

SENATE FILE 3030

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON APPEL)

A BILL FOR

1 An Act concerning state government reorganization and
2 efficiency, making appropriations, establishing fees,
3 establishing criminal penalties, and providing effective and
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.104, subsection 12, Code 2009, is amended by striking the subsection.

Sec. 2. Section 8A.111, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 3. Section 8A.111, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 4. Section 8A.122, subsection 3, Code 2009, is amended to read as follows:

3. The Except for obtaining information technology services pursuant to subchapter II, the state board of regents shall not be required to obtain any service for the state board of regents or any institution under the control of the state board of regents that is provided by the department pursuant to this chapter without the consent of the state board of regents.

Sec. 5. Section 8A.201, subsection 1, Code 2009, is amended to read as follows:

1. "*Information technology*" means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, and value-added services.

Sec. 6. Section 8A.201, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "*Infrastructure services*" includes all of the following:

a. Data centers used to support mainframe and other computers and their associated components including information networks, storage systems, redundant or backup power systems, redundant data communications connections, environmental controls, and security devices.

b. Servers, mainframes, or other centralized processing systems.

c. Storage systems, including but not limited to disk, tape,

1 optical, and other structured repositories for storing digital
2 information.

3 *d.* Telecommunications networks, sometimes referred to as
4 wide area networks, used for the transmission of video, voice,
5 and data.

6 *e.* Computer networks commonly referred to as local area
7 networks.

8 *f.* Groupware applications used to facilitate collaboration,
9 communication, and workflow, including electronic mail,
10 directory services, calendaring and scheduling, and imaging
11 systems.

12 *g.* Information technology help desk services.

13 *h.* Cyber security functions and equipment.

14 *i.* Digital printing and printing procurement services.

15 *j.* Data warehouses, including services that assist in
16 managing and locating digital information.

17 *k.* Disaster recovery technology and services.

18 *l.* Other similar or related services as determined by the
19 chief information officer.

20 Sec. 7. Section 8A.201, subsection 4, Code 2009, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:

23 4. "*Participating agency*" means any state agency.

24 Sec. 8. Section 8A.201, subsection 5, Code 2009, is amended
25 to read as follows:

26 5. "~~*Technology governance board*~~ *advisory council*" means the
27 ~~board~~ council established in section 8A.204.

28 Sec. 9. NEW SECTION. 8A.201A Chief information officer
29 appointed.

30 1. A chief information officer shall be appointed by the
31 governor to serve at the pleasure of the governor and is
32 subject to confirmation by the senate. If the office becomes
33 vacant, the vacancy shall be filled in the same manner as
34 provided for the original appointment.

35 2. The person appointed as the chief information officer

1 for the state shall be professionally qualified by education
2 and have no less than five years' experience in the fields
3 of information technology and financial management. The
4 chief information officer shall not be a member of any local,
5 state, or national committee of a political party, an officer
6 or member of a committee in any partisan political club or
7 organization, or hold or be a candidate for a paid elective
8 public office. The chief information officer is subject to the
9 restrictions on political activity provided in section 8A.416.

10 Sec. 10. Section 8A.202, subsection 2, paragraph g, Code
11 2009, is amended to read as follows:

12 *g.* Coordinating and managing the acquisition of information
13 technology services by participating agencies in furtherance of
14 the purposes of this chapter. The department shall institute
15 procedures to ensure effective and efficient compliance
16 with the applicable standards established pursuant to this
17 subchapter. This subchapter shall not be construed to prohibit
18 or limit a participating agency from entering into an agreement
19 or contract for information technology with a qualified private
20 entity.

21 Sec. 11. Section 8A.202, Code 2009, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4A. *Waivers.*

24 *a.* The department shall adopt rules allowing for
25 participating agencies to seek a temporary or permanent waiver
26 from any of the requirements of this subchapter concerning
27 the acquisition of information technology. The rules shall
28 provide that a waiver may be granted upon a written request by
29 a participating agency and approval of the chief information
30 officer. A waiver shall only be approved if one of the
31 following applies:

32 (1) The participating agency shows that it can obtain or
33 provide the information technology more economically than the
34 information technology can be provided by the department. For
35 purposes of determining if the participating agency can obtain

1 or provide the information technology more economically, the
2 department shall consider the impact on other participating
3 agencies if the waiver is approved or denied.

4 (2) The participating agency shows that a waiver would be in
5 the best interests of the state.

6 *b.* Prior to approving or denying a request for a waiver, the
7 department shall consider all of the following:

8 (1) Whether the waiver would violate any state or federal
9 law; or any published policy, standard, or requirement
10 established by a governing body other than the department.

11 (2) Whether the waiver would result in the duplication of
12 existing services, resources, or support.

13 (3) Whether the waiver would obstruct the state's
14 information technology strategic plan, enterprise architecture,
15 security plans, or any other information technology policy,
16 standard, or requirement.

17 (4) Whether the waiver would result in excessive
18 expenditures or expenditures above market rates.

19 (5) The life cycle of the system or application for which
20 the waiver is requested.

21 *c.* Rules adopted pursuant to this subsection relating to a
22 request for a waiver, at a minimum, shall provide for all of
23 the following:

24 (1) The request shall be in writing and signed by the head
25 of the participating agency seeking the waiver.

26 (2) The request shall include a reference to the specific
27 policy, standard, or requirement for which the waiver is
28 submitted.

29 (3) The request shall include a statement of facts including
30 a description of the problem or issue prompting the request;
31 the participating agency's preferred solution; an alternative
32 approach to be implemented by the participating agency intended
33 to satisfy the waived policy, standard, or requirement; the
34 business case for the alternative approach; the economic
35 justification for the waiver or a statement as to why the

1 waiver is in the best interests of the state; the time period
2 for which the waiver is requested; and any other information
3 deemed appropriate.

4 Sec. 12. Section 8A.203, unnumbered paragraph 1, Code 2009,
5 is amended to read as follows:

6 The chief information officer, in consultation with
7 the director, shall do all of the following as it relates to
8 information technology services:

9 Sec. 13. Section 8A.203, Code 2009, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 6. Coordinate the internal operations
12 of the department as they relate to information technology
13 and develop and implement policies and procedures designed to
14 ensure the efficient administration of the department as they
15 relate to information technology.

16 NEW SUBSECTION. 7. Recommend to the director for adoption
17 rules deemed necessary for the administration of this
18 subchapter in accordance with chapter 17A.

19 NEW SUBSECTION. 8. Enter into contracts for the receipt and
20 provision of services as deemed necessary.

21 NEW SUBSECTION. 9. Exercise and perform such other
22 powers and duties related to information technology as may be
23 delegated by the director or as may be prescribed by law.

24 Sec. 14. Section 8A.204, Code 2009, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **8A.204 Technology advisory council.**

27 1. *Definitions.* For purposes of this section, unless the
28 context otherwise requires:

29 a. "*Large agency*" means a participating agency with more
30 than seven hundred full-time, year-round employees.

31 b. "*Medium-sized agency*" means a participating agency with
32 at least seventy or more full-time, year-round employees, but
33 not more than seven hundred permanent employees.

34 c. "*Small agency*" means a participating agency with less
35 than seventy full-time, year-round employees.

1 2. *Membership.*

2 a. The technology advisory council is composed of ten
3 members as follows:

4 (1) The chief information officer.

5 (2) The director of the department of management, or the
6 director's designee.

7 (3) Eight members appointed by the governor as follows:

8 (a) Three representatives from large agencies.

9 (b) Two representatives from medium-sized agencies.

10 (c) One representative from a small agency.

11 (d) Two public members who are knowledgeable and have
12 experience in information technology matters.

13 b. (1) Members appointed pursuant to paragraph "a",
14 subparagraph (3), shall serve two-year staggered terms. The
15 department shall provide, by rule, for the commencement of the
16 term of membership for the nonpublic members. The terms of
17 the public members shall be staggered at the discretion of the
18 governor.

19 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
20 public members of the council.

21 (3) Public members appointed by the governor are subject to
22 senate confirmation.

23 (4) Public members appointed by the governor may be eligible
24 to receive compensation as provided in section 7E.6.

25 (5) Members shall be reimbursed for actual and necessary
26 expenses incurred in performance of the members' duties.

27 (6) A director, deputy director, or chief financial officer
28 of an agency is preferred as an appointed representative
29 for each of the agency categories of membership pursuant to
30 paragraph "a", subparagraph (3).

31 c. The technology advisory council annually shall elect a
32 chair and a vice chair from among the members of the council,
33 by majority vote, to serve one-year terms.

34 d. A majority of the members of the council shall constitute
35 a quorum.

1 e. Meetings of the council shall be held at the call of the
2 chairperson or at the request of three members.

3 3. *Powers and duties of the council.* The powers and
4 duties of the technology advisory council as they relate to
5 information technology services shall include but are not
6 limited to all of the following:

7 a. Advise the chief information officer in developing and
8 adopting information technology standards pursuant to sections
9 8A.203 and 8A.206 applicable to all agencies.

10 b. Make recommendations to the chief information officer
11 regarding all of the following:

12 (1) Technology utility services to be implemented by the
13 department or other agencies.

14 (2) Improvements to information technology service
15 levels and modifications to the business continuity plan for
16 information technology operations developed by the department
17 for agencies, and to maximize the value of information
18 technology investments by the state.

19 (3) Technology initiatives for the executive branch.

20 c. Advise the chief information officer regarding rates to
21 be charged for access to and for value-added services performed
22 through IowAccess.

23 Sec. 15. Section 8A.205, subsection 2, paragraph f, Code
24 2009, is amended by striking the paragraph and inserting in
25 lieu thereof the following:

26 f. Assist participating agencies in converting printed
27 government materials to electronic materials which can be
28 accessed through an internet searchable database.

29 Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended
30 to read as follows:

31 1. The department, ~~in conjunction~~ after consultation with
32 the technology ~~governance board~~ advisory council, shall develop
33 and adopt information technology standards applicable to the
34 procurement of information technology by all participating
35 agencies. Such standards, unless waived by the department

1 pursuant to section 8A.202, subsection 4A, shall apply to all
2 information technology procurements for participating agencies.

3 Sec. 17. Section 8A.207, Code 2009, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 2A. The department shall develop policies
6 and procedures that apply to all information technology goods
7 and services acquisitions, and shall ensure the compliance
8 of all participating agencies. The department shall also be
9 the sole provider of infrastructure services for participating
10 agencies.

11 Sec. 18. Section 8A.221, Code 2009, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **8A.221 IowAccess — duties and responsibilities.**

14 1. *IowAccess.* The department shall establish IowAccess as
15 a service to the citizens of this state that is the gateway
16 for one-stop electronic access to government information and
17 transactions, whether federal, state, or local. Except as
18 provided in this section, IowAccess shall be a state-funded
19 service providing access to government information and
20 transactions. The department, in establishing the fees for
21 value-added services, shall consider the reasonable cost of
22 creating and organizing such government information through
23 IowAccess.

24 2. *Duties.* The department shall do all of the following:

25 a. Establish rates to be charged for access to and for
26 value-added services performed through IowAccess.

27 b. Approve and establish the priority of projects
28 associated with IowAccess. The determination may also include
29 requirements concerning funding for a project proposed by
30 a political subdivision of the state or an association,
31 the membership of which is comprised solely of political
32 subdivisions of the state. Prior to approving a project
33 proposed by a political subdivision, the department shall
34 verify that all of the following conditions are met:

35 (1) The proposed project provides a benefit to the state.

1 (2) The proposed project, once completed, can be shared
2 with and used by other political subdivisions of the state, as
3 appropriate.

4 (3) The state retains ownership of any final product or is
5 granted a permanent license to the use of the product.

6 *c.* Establish expected outcomes and effects of the use of
7 IowAccess and determine the manner in which such outcomes are
8 to be measured and evaluated.

9 *d.* Establish the IowAccess total budget request and
10 ensure that such request reflects the priorities and goals of
11 IowAccess as established by the department.

12 *e.* Advocate for access to government information and
13 services through IowAccess and for data privacy protection,
14 information ethics, accuracy, and security in IowAccess
15 programs and services.

16 *f.* Receive status and operations reports associated with
17 IowAccess.

18 3. *Data purchasing.* This section shall not be construed
19 to impair the right of a person to contract to purchase
20 information or data from the Iowa court information system
21 or any other governmental entity. This section shall not be
22 construed to affect a data purchase agreement or contract in
23 existence on April 25, 2000.

24 Sec. 19. Section 8A.224, subsection 1, Code Supplement
25 2009, is amended to read as follows:

26 1. An IowAccess revolving fund is created in the state
27 treasury. The revolving fund shall be administered by the
28 department and shall consist of moneys collected by the
29 department as fees, moneys appropriated by the general
30 assembly, and any other moneys obtained or accepted by the
31 department for deposit in the revolving fund. The proceeds
32 of the revolving fund are appropriated to and shall be used
33 by the department to maintain, develop, operate, and expand
34 IowAccess consistent with this subchapter, and for the support
35 of activities of the technology ~~governance board~~ advisory

1 council pursuant to section 8A.204.

2 Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.

3 Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
4 TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL
5 BRANCH. The department of administrative services shall
6 consult with and explore opportunities with the legislative
7 and judicial branches of government relative to the providing
8 of information technology services to those branches of
9 government.

10 Sec. 22. CHIEF INFORMATION OFFICER — CONVENIENCE FEE
11 STUDY. The chief information officer of the state shall
12 conduct a study concerning convenience or other handling fees
13 charged by state agencies by credit or debit card or other
14 electronic means of payment. The goal of the study would be to
15 encourage the elimination of such fees wherever possible. The
16 department shall determine the extent and amount of the fees
17 charged, revenues generated by those fees, and explore ways to
18 reduce or eliminate the fees. The chief information officer
19 shall submit a report to the general assembly by January 15,
20 2011, concerning the results of the study, including any
21 recommendations for legislative consideration.

22 Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
23 agencies, as defined in section 8A.101, should, to the greatest
24 extent possible, utilize electronic mail or similar electronic
25 means to notify holders of licenses or permits issued by that
26 state agency that the license or permit needs to be renewed.
27 The chief information officer of the state shall assist state
28 agencies in implementing the directive in this section.

29 DIVISION II

30 ELECTRONIC RECORDS

31 Sec. 24. Section 7A.11A, Code 2009, is amended to read as
32 follows:

33 **7A.11A Reports to the general assembly.**

34 All reports required to be filed with the general assembly by
35 a state department or agency shall be filed by delivering one

1 ~~printed copy and~~ one copy in electronic format as prescribed by
 2 the secretary of the senate and the chief clerk of the house.
 3 Sec. 25. STUDY — CREATION, STORAGE, AND RETENTION OF
 4 ELECTRONIC RECORDS — STATE AGENCIES. The departments of
 5 administrative services and cultural affairs, in consultation
 6 with the state records commission, shall conduct a study on and
 7 make recommendations for the creation, storage, and retention
 8 of state agency records in an electronic format and shall
 9 submit a report containing the recommendations to the general
 10 assembly by December 15, 2010. In conducting the study, the
 11 departments shall collect and assess information from each
 12 state agency that includes an inventory of each agency's
 13 records including the types of agency records as well as agency
 14 records series retention and disposition schedules. The
 15 assessment shall include agency records identified as having
 16 permanent historical value by the state records commission.
 17 The departments shall also describe in the report what
 18 efficiencies and cost-saving efforts could be achieved through
 19 the creation, storage, and maintenance of such records in an
 20 electronic format.

21 DIVISION III

22 PUBLICATION MODERNIZATION

23 Sec. 26. Section 2.42, subsection 13, Code 2009, is amended
 24 to read as follows:

25 13. To establish policies with regard to the publishing
 26 of printed and electronic versions of legal publications
 27 as provided in chapters 2A and 2B, including the Iowa
 28 ~~administrative code, the Iowa administrative bulletin, the~~
 29 ~~Iowa Code, the Iowa Code Supplement, and the Iowa Acts Acts,~~
 30 Iowa Code, Code Supplement, Iowa administrative bulletin,
 31 Iowa administrative code, and Iowa court rules, or any part
 32 of those publications. The publishing policies may include,
 33 but are not limited to: the style and format to be used; the
 34 frequency of publication; the contents of the publications;
 35 the numbering ~~system~~ systems to be used ~~in the Iowa Code, the~~

1 ~~Iowa Code Supplement, and the Iowa Acts;~~ the preparation of
 2 editorial comments or notations; the correction of errors;
 3 the type of print or electronic media and data processing
 4 software to be used; the number of ~~printed~~ volumes to be
 5 published; recommended revisions of ~~the Iowa Code, the Iowa~~
 6 ~~Code Supplement, and the Iowa Acts;~~ the letting of contracts
 7 for the publication of ~~the Iowa administrative code, the Iowa~~
 8 ~~administrative bulletin, the Iowa court rules, the Iowa Code,~~
 9 ~~the Iowa Code Supplement, and the Iowa Acts;~~ the pricing of
 10 the publications to which section 22.3 does not apply; access
 11 to, and the use, reproduction, legal protection, sale or
 12 distribution, and pricing of related data processing software
 13 consistent with chapter 22; and any other matters deemed
 14 necessary to the publication of uniform and understandable
 15 publications.

16 Sec. 27. Section 2A.1, subsection 2, paragraph d, Code 2009,
 17 is amended to read as follows:

18 *d.* Publication of the official legal publications of
 19 the state, including but not limited to the Iowa Acts, Iowa
 20 Code, Iowa Code Supplement, Iowa Acts, Iowa court rules, Iowa
 21 administrative bulletin, and Iowa administrative code, and
 22 Iowa court rules as provided in chapter 2B. The legislative
 23 services agency shall do all of the following:

24 (1) Designate a legal publication described in chapter 2B as
 25 an official legal publication. The legislative services agency
 26 may also designate a legal publication as an unofficial legal
 27 publication. The legislative services agency may use the great
 28 seal of the state of Iowa as provided in section 1A.1 or other
 29 symbol to identify an official or unofficial legal publication.

30 (2) Provide for citing official legal publications as
 31 provided in chapter 2B.

32 Sec. 28. Section 2A.5, subsection 1, Code 2009, is amended
 33 to read as follows:

34 1. The legislative services agency shall publish the
 35 official legal publications of the state as provided in chapter

1 2B. The legislative services agency shall have legal custody of
2 the publications and shall provide for the warehousing, sale,
3 and distribution of the publications. The legislative services
4 agency shall retain or cause to be retained a number of old
5 editions of the publications but may otherwise distribute or
6 cause to be distributed old editions of the publications to any
7 person upon payment by the person of any distribution costs.
8 This section and chapter 2B do not require the legislative
9 services agency to publish a publication in both a printed and
10 electronic version.

11 Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009,
12 is amended to read as follows:

13 b. The ~~Iowa~~ Code Supplement.

14 Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended
15 to read as follows:

16 3. The legislative services agency shall in each
17 odd-numbered year compile for publication ~~and distribute in~~
18 ~~odd-numbered years~~ a printed or electronic version of the Iowa
19 official register for distribution as soon as practicable.
20 The register shall contain historical, political, and other
21 information and statistics of general value but shall not
22 contain information or statistics of a partisan character. The
23 ~~print~~ printed and electronic versions of the register need
24 not contain the same information and statistics but shall be
25 published to provide the greatest access to such information
26 and statistics at the most reasonable cost as determined by the
27 legislative services agency. The different versions of the
28 register may be distributed free of charge, may be distributed
29 free of charge except for postage and handling charges, or
30 may be sold at a price to be established by the legislative
31 services agency.

32 Sec. 31. Section 2A.5, Code 2009, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 6. Subject to section 2.42, the legislative
35 services agency shall determine its payment procedures

1 associated with publishing, distributing, and selling printed
2 or electronic versions of publications. The legislative
3 services agency may create a publications revolving fund
4 in the state treasury under the control of the legislative
5 services agency to defray costs associated with publishing,
6 distributing, and selling printed or electronic versions of
7 publications as the legislative services agency determines
8 appropriate. Payment procedures may include crediting all or
9 part of moneys received from the sale of publications into the
10 revolving fund.

11 Sec. 32. Section 2B.5, subsections 1 and 2, Code 2009,
12 are amended by striking the subsections and inserting in lieu
13 thereof the following:

14 1. Publish the Iowa administrative bulletin and the Iowa
15 administrative code as provided in section 2B.5A.

16 2. Publish the Iowa court rules as provided in section
17 2B.5B.

18 Sec. 33. Section 2B.5, subsection 3, Code 2009, is amended
19 to read as follows:

20 3. ~~Cause to be published annually a~~ Publish annually an
21 electronic or printed edition of the roster of state officials.
22 The roster of state officials shall include a correct list of
23 state officers and deputies; members of boards and commissions;
24 justices of the supreme court, judges of the court of appeals,
25 and judges of the district courts including district associate
26 judges and judicial magistrates; and members of the general
27 assembly. The office of the governor shall cooperate in the
28 preparation of the list.

29 Sec. 34. NEW SECTION. **2B.5A Iowa administrative bulletin**
30 **and Iowa administrative code.**

31 1. The legislative services agency shall control and
32 maintain in a secure electronic repository custodial
33 information used to produce the Iowa administrative bulletin
34 and the Iowa administrative code.

35 2. In consultation with the administrative rules

1 coordinator, the administrative code editor shall prescribe
2 a uniform style and form required for a person filing a
3 document for publication in the Iowa administrative bulletin
4 or the Iowa administrative code, including but not limited
5 to a rulemaking document. A rulemaking document includes a
6 notice of intended action as provided in section 17A.4 or an
7 adopted rule for filing as provided in section 17A.5. The
8 rulemaking document shall correlate each rule to the uniform
9 numbering system established by the administrative code editor.
10 The administrative code editor shall provide for electronic
11 publication of the Iowa administrative bulletin and the Iowa
12 administrative code. The administrative code editor shall
13 review all submitted documents for style and form and notify
14 the administrative rules coordinator if a rulemaking document
15 is not in proper style or form, and may return or revise a
16 document which is not in proper style and form. The style
17 and form prescribed shall require that a rulemaking document
18 include a reference to the statute which the rules are intended
19 to implement.

20 3. a. The administrative code editor may omit from the Iowa
21 administrative bulletin or the Iowa administrative code any
22 document for publication in the Iowa administrative bulletin or
23 the Iowa administrative code, if the administrative code editor
24 determines that its publication would be unduly cumbersome,
25 expensive, or otherwise inexpedient. The person filing the
26 document for publication shall provide the administrative
27 code editor with an electronic version of the document. The
28 administrative code editor shall publish the document on the
29 general assembly's internet site, and publish a notice in the
30 Iowa administrative bulletin or the Iowa administrative code
31 stating the specific subject matter of the omitted document and
32 how the omitted document may be accessed.

33 b. The administrative code editor shall omit or cause to be
34 omitted from the Iowa administrative code any rule or portion
35 of a rule nullified by the general assembly pursuant to Article

1 III, section 40, of the Constitution of the State of Iowa.

2 4. The administrative code editor who receives a
3 publication from an agency because the publication is
4 referenced in the Iowa administrative bulletin or Iowa
5 administrative code shall make the publication available to the
6 public pursuant to section 17A.6.

7 5. The administrative code editor shall publish the Iowa
8 administrative bulletin in accordance with section 2.42 at
9 least every other week, unless the administrative code editor
10 and the administrative rules review committee determine
11 that an alternative publication schedule is preferable. The
12 administrative code editor shall provide for the arrangement of
13 the contents of the Iowa administrative bulletin.

14 a. The Iowa administrative bulletin shall contain all of the
15 following:

16 (1) Rulemaking documents, including notices of intended
17 action as provided in section 17A.4, and rules adopted and
18 effective immediately upon filing and rules adopted and filed
19 as provided in section 17A.5.

20 (2) Resolutions nullifying administrative rules passed by
21 the general assembly pursuant to Article III, section 40 of the
22 Constitution of the State of Iowa.

23 (3) All proclamations and executive orders of the governor
24 which are general and permanent in nature.

25 (4) Other materials deemed fitting and proper by the
26 administrative rules review committee.

27 (5) Items required to be published by statute.

28 (6) A comprehensive method to search and identify its
29 contents. An electronic version may include search and
30 retrieval programming and index.

31 b. The Iowa administrative bulletin may contain all of the
32 following:

33 (1) A preface.

34 (2) A rulemaking schedule.

35 (3) The agenda for the next meeting of the administrative

1 rules review committee as provided in section 17A.8, if
2 available.

3 (4) A schedule of known public hearings.

4 (5) A list of agencies referenced by agency identification
5 number.

6 6. The administrative code editor shall publish the Iowa
7 administrative code in accordance with section 2.42 at least
8 every other week, unless the administrative code editor and
9 the administrative rules review committee determine that an
10 alternative publication schedule is preferable. However, the
11 legislative services agency may publish supplements in lieu of
12 the Iowa administrative code. The administrative code editor
13 shall provide for the arrangement of the Iowa administrative
14 code.

15 a. The Iowa administrative code shall include all of the
16 following:

17 (1) Rules of general application adopted and filed with
18 the administrative code editor by state agencies. However,
19 the administrative code editor may delete a rule from the Iowa
20 administrative code if the agency that adopted the rule has
21 ceased to exist, no successor agency has jurisdiction over the
22 rule, and no statutory authority exists supporting the rule.

23 (2) A comprehensive method to search and identify its
24 contents, including rules.

25 (a) An electronic version may include search and retrieval
26 programming and index.

27 (b) A print edition may include an index.

28 b. The Iowa administrative code may include all of the
29 following:

30 (1) A preface.

31 (2) Uniform rules on agency procedure.

32 Sec. 35. NEW SECTION. **2B.5B Iowa court rules.**

33 1. The legislative services agency shall control and
34 maintain in a secure electronic repository custodial
35 information used to produce the Iowa court rules.

1 2. The administrative code editor, upon direction by
2 the Iowa supreme court and in accordance with the policies
3 of the legislative council pursuant to section 2.42 and the
4 legislative services agency pursuant to section 2A.1, shall
5 prescribe a uniform style and form required for filing a
6 document for publication in the Iowa court rules. The document
7 shall correlate each rule to the uniform numbering system.
8 The administrative code editor shall provide for electronic
9 publication of the Iowa court rules. The administrative code
10 editor shall review all submitted documents for style and form
11 and notify the Iowa supreme court if a rulemaking document
12 is not in proper style or form, and may return or revise a
13 document which is not in proper style and form.

14 3. *a.* The administrative code editor shall publish the
15 Iowa court rules in accordance with section 2.42. However, the
16 legislative services agency may publish supplements in lieu of
17 the Iowa court rules. The administrative code editor shall
18 provide for arrangement of the Iowa court rules in consultation
19 with the Iowa supreme court.

20 *b.* The Iowa court rules shall include all of the following:

21 (1) Rules prescribed by the supreme court, which may include
22 the Iowa rules of civil procedure, the Iowa rules of criminal
23 procedure, the Iowa rules of evidence, the Iowa rules of
24 appellate procedure, the Iowa rules of professional conduct,
25 and the Iowa code of judicial conduct.

26 (2) A comprehensive method to search and identify its
27 contents, including court rules.

28 (a) An electronic version may include search and retrieval
29 programming and index.

30 (b) A print version shall include an index.

31 *c.* The Iowa court rules may include all of the following:

32 (1) A preface.

33 (2) Tables, including tables of corresponding rule numbers.

1 Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009,
2 are amended by striking the subsections and inserting in lieu
3 thereof the following:

4 2. Provide for the publication of all of the following:

5 a. The Iowa Acts as provided in section 2B.10.

6 b. The Iowa Code or Code Supplement, as provided in section
7 2B.12.

8 Sec. 37. Section 2B.10, Code 2009, is amended to read as
9 follows:

10 **2B.10 Iowa Acts.**

11 1. The legislative services agency shall control and
12 maintain in a secure electronic repository custodial
13 information used to produce the Iowa Acts.

14 2. The legislative services agency shall publish the annual
15 edition of the Iowa Acts as soon as possible after the final
16 adjournment of a regular session of the general assembly. The
17 legislative services agency may also publish an updated edition
18 of the Iowa Acts or a supplement to the Iowa Acts after a
19 special session of the general assembly.

20 ~~1. 3. a. The arrangement of the Acts and resolutions,~~
21 ~~and the size, style, type, binding, general arrangement, and~~
22 ~~tables of the Iowa Acts, appearance, and contents of the Iowa~~
23 ~~Acts shall be printed and published in the manner determined~~
24 ~~by the Iowa Code editor in accordance with the policies set~~
25 ~~by the~~ of the legislative council and legislative services
26 agency as provided in section 2.42.

27 ~~2. b. Chapters of~~ The bills and joint resolutions of the
28 Iowa Acts may be arranged by chapter, numbered from one for the
29 first regular session shall be numbered from one and chapters
30 ~~of the second regular session shall be~~ and numbered from one
31 thousand one for the second regular session.

32 4. The Iowa Acts shall include all of the following:

33 a. A preface.

34 b. A table of contents.

35 ~~3. c.~~ A list of elective state officers and deputies,

1 supreme court justices, judges of the court of appeals,
2 ~~and members of the general assembly shall be published annually~~
3 ~~with the Iowa Acts,~~ and members of Iowa's congressional
4 delegation.

5 ~~4. d.~~ A statement of the condition of the state treasury
6 ~~shall be included,~~ as provided by Article III, section 18,
7 of the Constitution of the State of Iowa. The statement shall
8 be furnished to the legislative services agency by the director
9 of the department of administrative services.

10 e. An analysis of its chapters.

11 f. The text of bills that have been enacted and joint
12 resolutions that have been enacted or passed by the general
13 assembly, including text indicating items disapproved in
14 appropriation bills.

15 g. Messages transmitted by the governor disapproving items
16 in appropriation bills.

17 h. A notation of the filing of an estimate of a state
18 mandate prepared by the legislative services agency pursuant
19 to section 25B.5.

20 i. Tables including any analysis of tables.

21 j. A comprehensive method to search and identify its
22 contents, including the text of bills that have been enacted
23 and joint resolutions that have been enacted or passed by the
24 general assembly.

25 (1) An electronic version may include search and retrieval
26 programming and an index and a summary index.

27 (2) A print version may include an index and a summary
28 index.

29 k. Other reference material as determined by the Iowa Code
30 editor in accordance with any policies of the legislative
31 council.

32 5. The enrolling clerks of the house and senate shall
33 arrange for the Iowa Code editor to receive suitable copies of
34 all Acts and resolutions as soon as they are enrolled.

35 ~~6. A notation of the filing of an estimate of a state~~

~~1 mandate prepared by the legislative services agency pursuant to
2 section 25B.5 shall be included in the Iowa Acts with the text
3 of an enacted bill or joint resolution containing the state
4 mandate.~~

5 Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are
6 amended to read as follows:

7 1. The legislative services agency shall control and
8 maintain in a secure electronic repository custodial
9 information used to publish the Iowa Code.

10 ~~1. 2. A new Iowa Code shall be issued~~ The legislative
11 services agency shall publish an annual edition of the Iowa
12 Code as soon as possible after the final adjournment of the
13 ~~second a regular session of the a general assembly. A However,~~
14 the legislative services agency may publish a new Code
15 ~~Supplement shall be issued in lieu of the Iowa Code as soon as~~
16 ~~possible after the first final adjournment of a regular session~~
17 ~~of the a general assembly. A The legislative services agency~~
18 may publish a new edition of the Iowa Code or Code Supplement
19 may be issued as soon as possible after the final adjournment
20 of a special session of the general assembly or as required by
21 ~~the legislative council.~~

22 ~~2. The entire Iowa Code shall be maintained on a computer~~
23 ~~database which shall be updated as soon as possible after~~
24 ~~each session of the general assembly. The Iowa Code and Code~~
25 ~~Supplement shall be prepared and printed on a good quality~~
26 ~~of paper in one or more volumes, in the manner determined by~~
27 ~~the Iowa Code editor in accordance with the policies of the~~
28 ~~legislative council, as provided in section 2.42.~~

29 Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended
30 by striking the subsection.

31 Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph
32 1, Code 2009, is amended to read as follows:

33 The Iowa Code ~~published after the second regular session of~~
34 ~~the general assembly~~ shall include all of the following:

1 Sec. 41. Section 2B.12, subsection 6, paragraph a, Code
2 2009, is amended by striking the paragraph.

3 Sec. 42. Section 2B.12, subsection 6, paragraph h, Code
4 2009, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 *h.* The arrangement of the Code into distinct units, as
7 established by the legislative services agency, which may
8 include titles, subunits of titles, chapters, subunits of
9 chapters, and sections, and subunits of sections. The distinct
10 units shall be numbered and may include names.

11 Sec. 43. Section 2B.12, subsection 6, paragraph j, Code
12 2009, is amended to read as follows:

13 *j.* A comprehensive index and a summary index covering method
14 to search and identify its contents, including the text of the
15 Constitution and statutes of the State of Iowa.

16 (1) An electronic version may include search and retrieval
17 programming, analysis of titles and chapters, and an index and
18 a summary index.

19 (2) A print version shall include an analysis of titles and
20 chapters, and an index and a summary index.

21 Sec. 44. Section 2B.12, Code 2009, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 6A. The Iowa Code may include all of the
24 following:

25 *a.* A preface.

26 *b.* A description of citations to statutes.

27 *c.* Abbreviations to other publications which may be referred
28 to in the Iowa Code.

29 *d.* Appropriate historical references or source notes.

30 *e.* An analysis of the Code by titles and chapters.

31 *f.* Other reference materials as determined by the Iowa
32 Code editor in accordance with any policies of the legislative
33 council.

34 Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are
35 amended to read as follows:

1 7. The A Code Supplement ~~published after the first regular~~
2 ~~session of the general assembly~~ shall include all of the
3 following:

4 ~~a. All of the~~ The text of statutes of Iowa of a general
5 and permanent nature ~~which that~~ were enacted ~~or amended~~ during
6 ~~that the preceding regular or special session~~, except as
7 provided in subsection 3~~, and~~; an indication of all sections
8 repealed during that session~~;~~ and any amendments to the
9 Constitution of the State of Iowa approved by the voters at
10 ~~the preceding general election~~ since the adjournment of the
11 previous regular session of the general assembly.

12 b. A chapter title and number for each chapter or part of a
13 chapter included.

14 ~~c. An index covering the material included~~ A comprehensive
15 method to search and identify its contents, including the text
16 of statutes and the Constitution of the State of Iowa.

17 (1) An electronic version may include search and retrieval
18 programming and an index and a summary index.

19 (2) A print version may include an index and a summary
20 index.

21 8. A The Iowa Code or Code Supplement may include
22 appropriate tables showing the disposition of Acts of the
23 general assembly, the corresponding sections from edition
24 to edition of a an Iowa Code or Code Supplement, and other
25 reference material as determined by the Iowa Code editor in
26 accordance with policies of the legislative council.

27 Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph
28 1, Code 2009, is amended to read as follows:

29 The Iowa Code editor in preparing the copy for an edition
30 of the Iowa Code or ~~Iowa~~ Code Supplement shall not alter the
31 sense, meaning, or effect of any Act of the general assembly,
32 but may:

33 Sec. 47. Section 2B.13, subsection 2, paragraph f, Code
34 2009, is amended to read as follows:

35 f. Perform any other editorial tasks required or authorized

1 by section ~~17A.6~~ 2B.5A.

2 Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code
3 2009, are amended to read as follows:

4 3. a. The Iowa Code editor may, in preparing the copy for
5 an edition of the Iowa Code or ~~Iowa~~ Code Supplement, establish
6 standards for and change capitalization, spelling, and
7 punctuation in any ~~Code~~ provision for purposes of uniformity
8 and consistency in ~~Code~~ language.

9 b. The administrative code editor may establish standards
10 for capitalization, spelling, and punctuation for purposes of
11 uniformity and consistency in the Iowa administrative code.

12 4. a. The Iowa Code editor shall seek direction from
13 the senate committee on judiciary and the house committee
14 on judiciary when making Iowa Code or ~~Iowa~~ Code Supplement
15 changes, ~~and the~~.

16 b. ~~The~~ administrative code editor shall seek direction
17 from the administrative rules review committee and
18 the administrative rules coordinator when making Iowa
19 administrative code changes, which appear to require
20 substantial editing and which might otherwise be interpreted to
21 exceed the scope of the authority granted in this section.

22 5. The Iowa Code editor may prepare and publish comments
23 deemed necessary for a proper explanation of the manner
24 of printing a section or chapter of the Iowa Code or Code
25 Supplement. The Iowa Code editor shall maintain a record of
26 all of the corrections made under subsection 1. The Iowa Code
27 editor shall also maintain a separate record of the changes
28 made under subsection 1, paragraphs "b" through "h". The
29 records shall be available to the public.

30 7. a. ~~The effective date of all editorial changes in an~~
31 ~~edition of the Iowa Code or Iowa Code Supplement is the date~~
32 ~~of the Iowa Code editor's approval of the final press proofs~~
33 ~~for the statutory text contained within that publication. The~~
34 ~~effective date of all editorial changes for the~~ or an edition
35 of the Iowa administrative code is the its publication date

1 ~~those changes are published in the Iowa administrative code.~~ A
2 publication date is the date the publication is conclusively
3 presumed to be complete, incorporating all revisions or
4 editorial changes.

5 b. The publication date for the publications are as follows:

6 (1) For the Iowa Code or Code Supplement, the publication
7 date is the first day of the next regular session of the
8 general assembly convened pursuant to Article III, section
9 2, of the Constitution of the State of Iowa. However, the
10 legislative services agency may establish an alternative
11 publication date, which may be the date that the publication is
12 first available to the public accessing the general assembly's
13 internet site. The legislative services agency shall provide
14 notice of such an alternative publication date on the general
15 assembly's internet site.

16 (2) The publication date for the Iowa administrative code
17 is the date that it is first available to the public accessing
18 the general assembly's internet site according to a publication
19 schedule provided in section 2B.5A.

20 c. A publication designated by the legislative services
21 agency as unofficial shall not be used to establish a
22 publication date.

23 Sec. 49. Section 2B.17, Code 2009, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **2B.17 Official legal publications — citations.**

26 1. An official legal publication designated as such by
27 the legislative services agency as provided in sections 2.42
28 and 2A.1, is the official and authoritative version of the
29 statutes, administrative rules, or court rules of the state of
30 Iowa.

31 2. a. The codified version of the state's constitution
32 shall be known as the Constitution of the State of Iowa.

33 b. For statutes, the official versions of publications
34 shall be known as the Iowa Acts, the Iowa Code, and the Code
35 Supplement.

1 *c.* For administrative rules, the official versions of the
2 publications shall be known as the Iowa Administrative Bulletin
3 and the Iowa Administrative Code.

4 *d.* For court rules, the official version of the publication
5 shall be known as the Iowa Court Rules.

6 3. The legislative services agency may adopt a style manual
7 providing a uniform system of citing the codified Constitution
8 of the State of Iowa and the official versions of publications
9 listed in subsection 2, including by reference to commonly
10 accepted legal sources. The legislative services agency
11 style manual may provide for a different form of citation
12 for electronic and printed versions of the same publication.
13 Nothing in this section affects rules for style and format
14 adopted pursuant to section 2.42.

15 4. The codified Constitution of the State of Iowa, and
16 statutes enacted and joint resolutions enacted or passed by the
17 general assembly shall be cited as follows:

18 *a.* The codified Constitution of the State of Iowa shall
19 be cited as the Constitution of the State of Iowa, with a
20 reference identifying the preamble or boundaries, or article,
21 section, and subunit of a section. Subject to the legislative
22 services agency style manual, the Constitution of the State of
23 Iowa may be cited as the Iowa Constitution.

24 *b.* The Iowa Acts shall be cited as the Iowa Acts with
25 a reference identifying the year of the publication in
26 conformance with section 2.2, and the chapter of a bill
27 enacted or joint resolution enacted or passed during a regular
28 session, or in the alternative the bill or joint resolution
29 chamber designation, and the section of the chapter or bill
30 or subunit of a section. A bill or joint resolution enacted
31 or passed during a special session shall be cited by the
32 extraordinary session designation in conformance with section
33 2.2. If the Iowa Acts have not been published, a bill or joint
34 resolution may be cited by its bill or joint resolution chamber
35 designation.

1 *c.* The Iowa Code shall be cited as the Iowa Code. The Code
 2 Supplement shall be cited as the Code Supplement. Subject
 3 to the legislative services agency style manual, the Iowa
 4 Code may be cited as the Code of Iowa or Code and the Code
 5 Supplement may be cited as the Iowa Code Supplement, with
 6 references identifying parts of the publication, including
 7 but not limited to title or chapter, section, or subunit of a
 8 section. If the citation refers to a past edition of the Iowa
 9 Code or Code Supplement, the citation shall identify the year
 10 of publication.

11 5. Administrative rules shall be cited as follows:

12 *a.* The Iowa Administrative Bulletin shall be cited as
 13 the IAB, with references identifying the volume number which
 14 may be based on a fiscal year cycle, the issue number, and
 15 the ARC number assigned to the rulemaking document by the
 16 administrative rules coordinator pursuant to section 17A.4.
 17 Subject to the legislative services agency style manual, the
 18 citation may also include the publication's page number.

19 *b.* The Iowa Administrative Code shall be cited as the IAC,
 20 with references to an agency's identification number placed at
 21 the beginning of the citation and with references to parts of
 22 the publication, including but not limited to chapter, rule, or
 23 subunit of a rule.

24 6. The Iowa Court Rules shall be cited as the Iowa Court
 25 Rules, with references to the rule number and to subunits
 26 of the publication, which may include but are not limited
 27 to the Iowa Rules of Civil Procedure, the Iowa Rules of
 28 Criminal Procedure, the Iowa Rules of Evidence, the Iowa
 29 Rules of Appellate Procedure, the Iowa Rules of Professional
 30 Conduct, and the Iowa Code of Judicial Conduct. Subject to
 31 the legislative services agency style manual, the names of the
 32 rules may be abbreviated.

33 Sec. 50. NEW SECTION. **2B.18 Iowa Code editor and**
 34 **administrative code editor — custody and authentication.**

35 1. The Iowa Code editor is the custodian of the official

1 legal publications known as the Iowa Acts, Iowa Code, and
2 Code Supplement. The Iowa Code editor may attest to and
3 authenticate any portion of such official legal publication
4 for purposes of admitting a portion of the official legal
5 publication in any court or office of any state, territory, or
6 possession of the United States or in a foreign jurisdiction.

7 2. The administrative code editor is the custodian of the
8 official legal publications known as the Iowa administrative
9 bulletin, the Iowa administrative code, and the Iowa court
10 rules. The administrative code editor may attest to and
11 authenticate any portion of such official legal publication
12 for purposes of admitting a portion of the official legal
13 publication in any court or office of any state, territory, or
14 possession of the United States or in a foreign jurisdiction.

15 Sec. 51. Section 7.17, subsection 2, Code 2009, is amended
16 by striking the subsection.

17 Sec. 52. Section 17A.4, subsection 1, paragraph a, Code
18 2009, is amended to read as follows:

19 a. Give notice of its intended action by submitting
20 the notice to the administrative rules coordinator and
21 the administrative code editor. The administrative rules
22 coordinator shall assign an ARC number to each rulemaking
23 document. The administrative code editor shall publish
24 each notice meeting the requirements of this chapter in the
25 Iowa administrative bulletin created pursuant to section
26 ~~17A.6~~ 2B.5A. Any notice of intended action shall be published
27 at least thirty-five days in advance of the action. The notice
28 shall include a statement of either the terms or substance of
29 the intended action or a description of the subjects and issues
30 involved, and the time when, the place where, and the manner in
31 which interested persons may present their views.

32 Sec. 53. Section 17A.6, Code 2009, is amended by striking
33 the section and inserting in lieu thereof the following:

34 **17A.6 Publications.**

35 1. The administrative code editor shall publish the Iowa

1 administrative bulletin and the Iowa administrative code as
2 provided in section 2B.5A.

3 2. An agency which adopts standards by reference to
4 another publication shall deliver an electronic copy of
5 the publication, or the relevant part of the publication,
6 containing the standards to the administrative code editor
7 who shall publish it on the general assembly's internet site.
8 If an electronic copy of the publication is not available,
9 the agency shall deliver a printed copy of the publication to
10 the administrative code editor who shall deposit the copy in
11 the state law library where it shall be made available for
12 inspection and reference.

13 Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
14 1, Code 2009, is amended to read as follows:

15 A rule adopted pursuant to this chapter which adopts
16 standards by reference to another publication shall be exempt
17 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
18 the following conditions exist:

19 Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
20 1, Code Supplement 2009, is amended to read as follows:

21 A rule adopted pursuant to this section which adopts
22 standards by reference to another publication shall be exempt
23 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
24 the following conditions exist:

25 Sec. 56. Section 256.53, Code 2009, is amended to read as
26 follows:

27 **256.53 State publications.**

28 Upon issuance of a state publication in any format, a
29 state agency shall ~~deposit with~~ provide the division with
30 an electronic version of the publication at no cost to the
31 division, ~~seventy-five copies of the publication or a lesser~~
32 ~~number if specified by the division, except as provided in~~
33 ~~section 2A.6.~~

34 Sec. 57. Section 267.6, Code 2009, is amended to read as
35 follows:

1 267.6 Iowa administrative procedure Act.

2 The provisions of chapter 17A shall not apply to the council
3 or any actions taken by it, except that any recommendations
4 adopted by the council pursuant to section 267.5, subsection
5 3, and any rules adopted by the council shall be adopted,
6 amended, or repealed only after compliance with the provisions
7 of sections 17A.4, and 17A.5, and ~~17A.6~~ the publication
8 requirements in section 2B.5A.

9 DIVISION IV

10 ELECTRONIC PUBLICATION OF PUBLIC NOTICES

11 Sec. 58. Section 21.4, subsection 4, Code 2009, is amended
12 to read as follows:

13 4. If another section of the Code requires or authorizes a
14 manner of giving specific notice of a meeting, hearing, or
15 an intent to take action by a governmental body, compliance
16 with that section shall constitute compliance with the notice
17 requirements of this section.

18 Sec. 59. NEW SECTION. 22A.1 Electronic publication of
19 public notices.

20 1. For purposes of this section, "*governmental body*" means a
21 governmental body as defined in section 21.2.

22 2. a. A governmental body that is required by statute
23 to publish or post in a public place a notice, action, or
24 other information, may, in lieu of such requirements, post
25 the notice, action, or other information on an internet site
26 if posting such information on an internet site has been
27 authorized, by ordinance, resolution, or other official action
28 of the governmental body, as a means of official publication.

b. An ordinance, resolution, or other official action that authorizes posting on an internet site as an official publication shall identify each type of notice, action, or information that shall be posted on an internet site in lieu of publication and shall identify the location of the governmental body's office where such notices, actions, or information will be available for public inspection. If the governmental

1 body is a city or a county, such authorization shall be by
2 ordinance. If the governmental body is an agency as defined
3 in section 17A.2, such authorization shall be adopted in
4 accordance with chapter 17A.

5 *c.* This section shall not apply to the publication of
6 notices under chapter 6B, notices published under chapter 17A,
7 notices provided under the rules of civil procedure, or any
8 notice required to be given by personal service.

9 3. Notices, actions, or other information posted by
10 a governmental body on an internet site pursuant to this
11 section shall include all information otherwise required to
12 be contained in the publication and shall comply with all
13 requirements relating to the date of publication.

14 4. If posting on an internet site is authorized by a
15 governmental body to satisfy publication requirements, all of
16 the following shall apply:

17 *a.* The internet site shall be operated and maintained by the
18 governmental body.

19 *b.* The internet site shall be accessible at all times by the
20 public, including the visually impaired.

21 *c.* The public shall not be charged for access to any notice,
22 action, or other information posted on the internet site
23 pursuant to this section.

24 *d.* The internet site shall be searchable by keyword, type of
25 notice, action, or information, and geographic location.

26 *e.* The notice, action, or other information posted on an
27 internet site pursuant to this section shall be maintained
28 and accessible through the same internet site address for as
29 long as required by law or as long as such information is
30 customarily maintained by the governmental body, whichever is
31 longer.

32 *f.* A notice, action, or other information posted on an
33 internet site pursuant to this section by a governmental
34 body shall also be made available by the governmental body
35 in a paper format in the office of the governmental body as

1 identified pursuant to subsection 2, paragraph "b".

2 Sec. 60. Section 49.53, subsection 2, Code Supplement 2009,
3 is amended to read as follows:

4 2. The notice shall be published in at least one newspaper,
5 as defined in section 618.3, which is published in the county
6 or other political subdivision in which the election is to
7 occur or, if no newspaper is published there, in at least
8 one newspaper of substantial circulation in the county or
9 political subdivision. For the general election or the primary
10 election the foregoing notice shall be published in at least
11 two newspapers published in the county. However, if there
12 is only one newspaper published in the county, publication
13 in one newspaper shall be sufficient. Compliance with the
14 requirements of section 22A.1 shall constitute compliance with
15 the publication requirements of this section.

16 Sec. 61. Section 279.36, unnumbered paragraph 1, Code 2009,
17 is amended to read as follows:

18 The requirements of section 279.35 are satisfied by
19 publication in at least one newspaper published in the
20 district or, if there is none, in at least one newspaper having
21 general circulation within the district. Compliance with the
22 requirements of section 22A.1 shall constitute compliance with
23 the publication requirements of this section.

24 Sec. 62. Section 331.305, Code 2009, is amended to read as
25 follows:

26 **331.305 Publication of notices.**

27 Unless otherwise provided by state law, if notice of an
28 election, hearing, or other official action is required by this
29 chapter, the board shall publish the notice at least once, not
30 less than four nor more than twenty days before the date of the
31 election, hearing, or other action, in one or more newspapers
32 which meet the requirements of section 618.14. Notice of an
33 election shall also comply with section 49.53. Compliance with
34 the requirements of section 22A.1 shall constitute compliance
35 with the publication requirements of this section.

1 Sec. 63. Section 362.3, Code 2009, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 3. Compliance with the requirements of
4 section 22A.1 shall constitute compliance with the requirements
5 of this section relating to publication in a newspaper and to
6 publication by posting.

7 DIVISION V

8 STATE BUDGETING AND PERSONNEL

9 Sec. 64. Section 8.36A, subsection 2, Code 2009, is amended
10 to read as follows:

11 2. a. If a department or establishment has reached or
12 anticipates reaching the full-time equivalent position level
13 authorized for the department but determines that conversion
14 of a contract position to a full-time equivalent position
15 would result in cost savings while providing comparable or
16 better services, the department or establishment may request
17 the director of the department of management to approve the
18 conversion and addition of the full-time equivalent position.
19 The request shall be accompanied by evidence demonstrating how
20 the cost savings and service quality will be achieved through
21 the conversion. If approved by the director of the department
22 of management, the department's or establishment's authorized
23 full-time equivalent position level shall be increased
24 accordingly and the revised level shall be reported to the
25 fiscal committee of the legislative council and the legislative
26 services agency.

27 b. A department or establishment shall not convert a
28 full-time equivalent position authorized for the department
29 or establishment to a contract position and shall not use
30 appropriated moneys for such a contract position unless the
31 department or establishment receives approval from the director
32 of the department of management to convert the full-time
33 equivalent position to a contract position. The director of
34 the department of management shall not approve the conversion
35 unless the department or establishment submits sufficient

1 evidence that the conversion would result in cost savings while
2 providing comparable or better services.

3 Sec. 65. Section 8.36A, Code 2009, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 3. If a full-time equivalent position
6 authorized for a department or establishment remains vacant
7 for a period of at least six months, the department's or
8 establishment's authorized full-time equivalent position level
9 shall be decreased accordingly. However, the department or
10 establishment may request the director of the department of
11 management to reauthorize the full-time equivalent position if
12 the department or establishment can establish that the position
13 is difficult to fill and is critical for fulfilling the duties
14 of the department or establishment.

15 Sec. 66. Section 8.62, subsection 2, Code Supplement 2009,
16 is amended to read as follows:

17 2. Notwithstanding the provisions of section 8.33 or any
18 other provision of law to the contrary, if on June 30 of a
19 fiscal year, a balance of an operational appropriation remains
20 unexpended or unencumbered, not more than fifty percent of
21 the balance may be encumbered by the agency to which the
22 appropriation was made and used as provided in this section and
23 the remaining balance shall be deposited in the cash reserve
24 fund created in section 8.56. Moneys encumbered under this
25 section shall only be used by the agency during the succeeding
26 fiscal year for internet-based employee training, technology
27 enhancement, or purchases of goods and services from Iowa
28 prison industries. Unused moneys encumbered under this section
29 shall be deposited in the cash reserve fund on June 30 of the
30 succeeding fiscal year.

31 Sec. 67. Section 8A.413, Code Supplement 2009, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 24. For the development and operation of
34 programs to promote job sharing, telecommuting, and flex-time
35 opportunities for employment within the executive branch.

1 Sec. 68. COMMUNITY-BASED CORRECTIONS — STATE ACCOUNTING
2 SYSTEM. Each judicial district department of correctional
3 services shall utilize the state accounting system for purposes
4 of tracking both appropriations and expenditures. Each
5 judicial district department shall coordinate its accounting
6 activities with the department of management for purposes of
7 implementing the requirements of this section.

8 Sec. 69. STATE AGENCY EFFICIENCY EFFORTS.

9 1. LEAN EFFORTS. State agencies shall budget for and plan
10 to conduct lean events as described in section 8.70. Each
11 state agency shall coordinate its activities with the office
12 of lean enterprise created in section 8.70 in developing plans
13 to conduct lean events.

14 2. SHARED RESOURCES. State agencies are encouraged to
15 share resources and services, including staff, training, and
16 educational services, to the greatest extent possible in order
17 to best fulfill the duties of each agency at the least cost.

18 Sec. 70. CONTRACT SERVICES — TRAINING.

19 1. For the fiscal year beginning July 1, 2010, and ending
20 June 30, 2011, each department, as defined in section 8.2,
21 shall separately track the budget and actual expenditures
22 for contract services and for employee training for each
23 appropriation line item.

24 2. The terms of the contracts for contracted services
25 entered into or revised during the fiscal year shall
26 incorporate quality assurance and cost control measures.

27 3. The employee training tracking information shall be
28 further divided into training categories. Each department's
29 report on training tracking shall specifically address the use
30 of electronically based training.

31 4. Each department shall report quarterly to the
32 legislative services agency concerning the budget, expenditure,
33 quality assurance, and cost control information addressed by
34 this section.

1 Sec. 71. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF
2 AGENCY FEES. Each joint appropriations subcommittee of the
3 general assembly shall examine and review on an annual basis
4 the fees charged by state agencies under the purview of that
5 joint appropriations subcommittee.

6 DIVISION VI

7 SPAN OF CONTROL

8 Sec. 72. Section 8A.402, subsection 2, paragraph g, Code
9 Supplement 2009, is amended to read as follows:

10 g. (1) (a) Consult with the department of management
11 and discuss and collaborate with executive branch agencies to
12 implement and maintain a policy for incrementally increasing
13 the aggregate ratio in the number of employees per
14 ~~supervisor~~ supervisory employee in executive branch agencies
15 ~~to be fourteen employees for one supervisor.~~ For purposes of
16 determining the effects of the policy on the state employee
17 workforce, the base date of July 1, 2008, shall be used and the
18 target date for full implementation shall be July 1, ~~2011~~ 2016.
19 The target aggregate ratio of supervisory employees to other
20 employees shall be as follows:

21 (i) For the fiscal year beginning July 1, 2010, one to
22 fourteen.

23 (ii) For the fiscal year beginning July 1, 2011, one to
24 fifteen.

25 (iii) For the fiscal year beginning July 1, 2012, one to
26 sixteen.

27 (iv) For the fiscal year beginning July 1, 2013, one to
28 seventeen.

29 (v) For the fiscal year beginning July 1, 2014, one to
30 eighteen.

31 (vi) For the fiscal year beginning July 1, 2015, one to
32 nineteen.

33 (vii) For the fiscal year beginning July 1, 2016, one to
34 twenty.

35 (b) For the purposes of this paragraph "g", "supervisory

1 employee” means a public employee who is not a member of a
2 collective bargaining unit and who has authority, in the
3 interest of a public employer, to hire, transfer, suspend, lay
4 off, recall, promote, discharge, assign, reward, or discipline
5 other public employees, to direct such public employees, or
6 to adjust the grievances of such public employees, or to
7 effectively recommend any such action.

8 (c) In this paragraph “g”, executive branch agencies shall
9 not grant a supervisory employee with the right to replace or
10 bump a junior employee not being laid off for a position for
11 which the supervisory employee is qualified.

12 ~~{b}~~ (d) The policy shall allow appropriation units
13 with twenty-eight or fewer full-time equivalent employee
14 positions to apply for an exception to the policy through the
15 executive council. The policy shall allow for exceptions
16 when the supervisory employee ratio is mandated by a federal
17 requirement.

18 (e) The policy shall provide that if layoffs are
19 implemented, the number of middle management position layoffs
20 shall correspond to the relative number of direct service
21 position layoffs.

22 (f) The policy shall improve on the system in effect as
23 of the base date by specifically defining and accounting for
24 supervisory employee span of control.

25 ~~{e}~~ (g) The department shall present an interim report
26 to the governor and general assembly on or before April 1,
27 2010, annual updates on or before April 1 subsequently, and a
28 final report on or before April 1, 2011 2017, detailing the
29 effects of the policy on the composition of the workforce, cost
30 savings, government efficiency, and outcomes.

31 ~~{d}~~ The policy developed pursuant to this paragraph
32 “g” shall not encompass employees under the state board of
33 regents, the department of human services, or a judicial
34 district department of correctional services. However, the
35 department of administrative services shall work with the

1 ~~state board of regents, the department of human services, and~~
 2 ~~the judicial district departments of correctional services to~~
 3 ~~advance the policy as a goal for the supervisory staff of these~~
 4 ~~units of state government.~~

5 (2) Evaluate the state's systems for job classification of
 6 executive branch employees in order to ensure the existence
 7 of technical skill-based career paths for such employees
 8 which do not depend upon an employee gaining supervisory
 9 responsibility for advancement, and which provide incentives
 10 for such employees to broaden their knowledge and skill base.
 11 The evaluation shall include but is not limited to a review
 12 of the classifications for all noncontract positions and
 13 providing options for eliminating obsolete, duplicative, or
 14 unnecessary job classifications. The department shall present
 15 interim reports to the general assembly on or before January
 16 15, 2010, and January 14, 2011, concerning the department's
 17 progress in completing the evaluation and associated outcomes.

18 Sec. 73. EFFECTIVE UPON ENACTMENT. This division of this
 19 Act, being deemed of immediate importance, takes effect upon
 20 enactment.

21 DIVISION VII

22 DEPARTMENT OF ADMINISTRATIVE SERVICES — PURCHASING

23 Sec. 74. Section 8A.302, subsection 1, Code 2009, is amended
 24 to read as follows:

25 1. Providing a system of uniform standards and
 26 specifications for purchasing. When the system is developed,
 27 all items of general use shall be purchased by state agencies
 28 through the department, ~~except items used by.~~ However,
 29 the department may authorize the state department of
 30 transportation, institutions under the control of the state
 31 board of regents, the department for the blind, and any other
 32 agencies otherwise exempted by law from centralized purchasing,
 33 to directly purchase items used by those agencies without going
 34 through the department, if the department of administrative
 35 services determines such purchasing is in the best interests

1 of the state. However, items of general use may be purchased
2 through the department by any governmental entity.

3 Sec. 75. Section 8A.311, subsection 10, paragraph a, Code
4 2009, is amended to read as follows:

5 a. The director shall adopt rules providing that any state
6 agency may, upon request and approval by the department,
7 purchase directly from a vendor if the direct purchasing is
8 ~~as economical or~~ more economical than purchasing through the
9 department, ~~or upon a showing if the agency shows~~ if the agency shows that direct
10 purchasing by the state agency would be in the best interests
11 of the state due to an immediate or emergency need. ~~The rules~~
12 ~~shall include a provision permitting a state agency to purchase~~
13 ~~directly from a vendor, on the agency's own authority, or if~~
14 the purchase will not exceed ten thousand dollars and the
15 purchase ~~will~~ would contribute to the agency complying with ~~or~~
16 ~~exceeding~~ the targeted small business procurement goals under
17 sections 73.15 through 73.21.

18 Sec. 76. NEW SECTION. **8A.311A Centralized purchasing.**

19 1. The department may designate goods and services of
20 general use that agencies shall, and governmental subdivisions
21 may, purchase pursuant to a master purchasing or service
22 contract negotiated by the department for that good or service.
23 The department shall negotiate a master contract subject to the
24 requirements of this section if the department determines that
25 a high-quality good or service can be acquired by agencies and
26 governmental subdivisions at lower cost through negotiation of
27 a master contract.

28 2. The department shall negotiate a master contract
29 pursuant to this section on a competitive basis, and the
30 purchase of a good or service pursuant to the contract shall be
31 deemed to satisfy any otherwise applicable competitive bidding
32 requirements.

33 3. Upon negotiation of a master contract for a good or
34 service pursuant to this section, an agency shall purchase the
35 good or service pursuant to the service contract, and shall

1 not expend money to purchase the good or service directly
2 from a vendor and not through the contract, unless any of the
3 following applies:

4 *a.* The department determines, upon a request by the agency,
5 that the agency can satisfy the requirements for purchase of
6 the good or service directly from a vendor as provided in
7 section 8A.311, subsection 10, paragraph "a".

8 *b.* The agency is purchasing the good or service pursuant
9 to a service contract in effect on the effective date of the
10 master contract. However, the agency shall terminate the
11 service contract if the contract permits the termination of
12 the contract without penalty and the agency shall not renew
13 the service contract beyond the term of the existing service
14 contract.

15 Sec. 77. Section 8A.312, Code 2009, is amended to read as
16 follows:

17 **8A.312 Cooperative purchasing.**

18 The director may purchase items through the ~~state~~ department
19 of transportation, institutions under the control of the state
20 board of regents, and any other agency otherwise exempted by
21 law from centralized purchasing for items authorized by the
22 department to be exempt. These state agencies shall upon
23 request furnish the director with a list of and specifications
24 for all items of office equipment, furniture, fixtures,
25 motor vehicles, heavy equipment, and other related items to
26 be purchased during the next quarter and the date by which
27 the director must file with the agency the quantity of items
28 to be purchased by the state agency for the department.
29 The department shall be liable to the state agency for the
30 proportionate costs the items purchased for the department bear
31 to the total purchase price. When items purchased have been
32 delivered, the state agency shall notify the director and after
33 receipt of the purchase price shall release the items to the
34 director or upon the director's order.

1 Sec. 78. Section 307.21, subsection 1, paragraph d, Code
2 Supplement 2009, is amended to read as follows:

3 d. Provide centralized purchasing services for the
4 department, ~~in cooperation with~~ if authorized by the department
5 of administrative services. The administrator shall, when
6 the price is reasonably competitive and the quality as
7 intended, purchase soybean-based inks and plastic products with
8 recycled content, including but not limited to plastic garbage
9 can liners, and shall purchase these items in accordance
10 with the schedule established in section 8A.315. However,
11 the administrator need not purchase garbage can liners in
12 accordance with the schedule if the liners are utilized by a
13 facility approved by the environmental protection commission
14 created under section 455A.6, for purposes of recycling. For
15 purposes of this section, "*recycled content*" means that the
16 content of the product contains a minimum of thirty percent
17 postconsumer material.

18 Sec. 79. STATE GOVERNMENT PURCHASING EFFORTS — DEPARTMENT
19 OF ADMINISTRATIVE SERVICES. In order to facilitate efficient
20 and cost-effective purchasing, the department of administrative
21 services shall do the following:

22 1. Require state agencies to provide the department a report
23 regarding planned purchases on an annual basis and to report
24 on an annual basis regarding efforts to standardize products
25 and services within their own agencies and with other state
26 agencies.

27 2. Require all state employees who conduct bids for services
28 to receive training on an annual basis about procurement rules
29 and regulations and procurement best practices.

30 3. Identify procurement compliance employees within the
31 department.

32 4. Review the process and basis for establishing
33 departmental fees for purchasing.

34 5. Establish a work group to collaborate on best practices
35 to implement the best cost savings for the state concerning

1 purchasing.

2 6. Explore interstate and intergovernmental purchasing
3 opportunities and encourage the legislative and judicial
4 branches to participate in consolidated purchasing and
5 efficiencies wherever possible.

6 7. Expand the use of procurement cards throughout state
7 government to facilitate purchasing of items by state agencies.

8 DIVISION VIII

9 DEPARTMENT OF ADMINISTRATIVE SERVICES — OPERATIONS

10 Sec. 80. Section 8A.104, Code 2009, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 12A. Examine and develop best practices
13 for the efficient operation of government and encourage state
14 agencies to adopt and implement these practices.

15 Sec. 81. NEW SECTION. 8A.459 **State employee pay and**
16 **allowances — electronic funds transfer.**

17 Effective July 1, 2011, notwithstanding any provision of
18 law to the contrary, all pay and allowances to state employees
19 shall be paid via electronic funds transfer. A state employee
20 may elect to receive pay and allowances as paper warrants
21 in lieu of electronic funds transfers, but the department
22 shall charge an administrative fee for processing such paper
23 warrants. However, the department may, for good cause shown,
24 waive the administrative fee. The fee may be automatically
25 deducted from the state employee's pay and allowances before
26 the warrant is issued to the state employee.

27 Sec. 82. DEPARTMENT OF ADMINISTRATIVE SERVICES —
28 STREAMLINED HIRING. The department of administrative services
29 shall, in consultation with the department of management,
30 examine the process by which state agencies hire personnel
31 with the goal of simplifying and reducing the steps needed
32 for state agencies to hire personnel. The department shall
33 provide information to the general assembly concerning steps
34 taken to implement a more streamlined hiring process and any
35 recommendations for legislative action.

1 Sec. 83. DEPARTMENT OF ADMINISTRATIVE SERVICES — REAL
2 ESTATE AND LEASE MANAGEMENT.

3 1. REAL ESTATE AUDIT. The department of administrative
4 services shall complete an inventory of surplus and unused
5 state properties and recommend which assets could be sold at a
6 premium price. State historic buildings would not be eligible
7 for sale and only those assets identified as being surplus and
8 no longer related to their mission would be eligible for sale.

9 2. LEASE AUDIT. The department of administrative services
10 shall conduct a thorough review of all state office leases
11 and wherever possible, require state agencies to consolidate
12 office spaces that are rented from private sector landlords.
13 In addition, the department should work directly with all state
14 agencies to begin renegotiating office leases to obtain more
15 favorable lease terms.

16 3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The
17 department of administrative services shall explore potential
18 opportunities for state agencies and the state board of regents
19 to sell some properties to a private sector owner and then
20 lease them back.

21 4. REPORT. The department shall submit a report to
22 the general assembly by January 1, 2011, concerning the
23 requirements of this section. The report shall, if applicable,
24 identify any statutory barriers for pursuing efforts described
25 in this section and shall include in the report its findings
26 and any recommendations for legislative action.

27 DIVISION IX

28 ALCOHOLIC BEVERAGES DIVISION — REORGANIZATION

29 Sec. 84. Section 22.7, subsection 24, Code Supplement 2009,
30 is amended to read as follows:

31 24. Records of purchases of alcoholic liquor from
32 the alcoholic beverages division of the department of
33 ~~commerce~~ revenue which would reveal purchases made by an
34 individual class "E" liquor control licensee. However, the
35 records may be revealed for law enforcement purposes or for the

1 collection of payments due the division pursuant to section
2 123.24.

3 Sec. 85. Section 123.3, subsection 14, Code 2009, is amended
4 to read as follows:

5 14. "*Division*" means the alcoholic beverages division of the
6 department of ~~commerce~~ revenue established by this chapter.

7 Sec. 86. Section 123.4, Code 2009, is amended to read as
8 follows:

9 **123.4 Alcoholic beverages division created.**

10 An alcoholic beverages division is created within the
11 department of ~~commerce~~ revenue to administer and enforce the
12 laws of this state concerning beer, wine, and alcoholic liquor.

13 Sec. 87. Section 123.14, subsection 2, Code 2009, is amended
14 to read as follows:

15 2. The county attorney, the county sheriff and the
16 sheriff's deputies, and the police department of every city,
17 and the alcoholic beverages division of the department of
18 ~~commerce~~ revenue, shall be supplementary aids to the department
19 of public safety. Any neglect, misfeasance, or malfeasance
20 shown by any peace officer included in this section shall be
21 sufficient cause for the peace officer's removal as provided by
22 law. This section shall not be construed to affect the duties
23 and responsibilities of any county attorney or peace officer
24 with respect to law enforcement.

25 Sec. 88. Section 123.53, subsections 4, 5, and 6, Code
26 Supplement 2009, are amended to read as follows:

27 4. The treasurer of state shall, each quarter, prepare
28 an estimate of the gaming revenues and of the moneys to be
29 deposited in the beer and liquor control fund that will become
30 available during the remainder of the appropriate fiscal year
31 for the purposes described in subsection 3. The department of
32 management, the department of inspections and appeals, and the
33 department of ~~commerce~~ revenue shall take appropriate actions
34 to provide that the sum of the amount of gaming revenues
35 available to be deposited into the revenue bonds debt service

1 fund during a fiscal year and the amount of moneys to be
2 deposited in the beer and liquor control fund available to
3 be deposited into the revenue bonds debt service fund during
4 such fiscal year will be sufficient to cover any anticipated
5 deficiencies.

6 5. After any transfer provided for in subsection 3 is
7 made, the department of ~~commerce~~ revenue shall transfer into a
8 special revenue account in the general fund of the state, a sum
9 of money at least equal to seven percent of the gross amount
10 of sales made by the division from the beer and liquor control
11 fund on a monthly basis but not less than nine million dollars
12 annually. Of the amounts transferred, two million dollars,
13 plus an additional amount determined by the general assembly,
14 shall be appropriated to the Iowa department of public health
15 for use by the staff who administer the comprehensive substance
16 abuse program under chapter 125 for substance abuse treatment
17 and prevention programs. Any amounts received in excess of the
18 amounts appropriated to the Iowa department of public health
19 for use by the staff who administer the comprehensive substance
20 abuse program under chapter 125 shall be considered part of the
21 general fund balance.

22 6. After any transfers provided for in subsections 3 and
23 5, the department of ~~commerce~~ revenue shall transfer to the
24 division from the beer and liquor control fund and before any
25 other transfer to the general fund, an amount sufficient to pay
26 the costs incurred by the division for collecting and properly
27 disposing of the liquor containers.

28 Sec. 89. Section 142A.3, subsection 5, paragraph e, Code
29 Supplement 2009, is amended to read as follows:

30 e. The alcoholic beverages division of the department of
31 ~~commerce~~ revenue.

32 Sec. 90. Section 142A.4, subsection 14, Code Supplement
33 2009, is amended to read as follows:

34 14. Approve contracts entered into with the alcoholic
35 beverages division of the department of ~~commerce~~ revenue, to

1 provide for enforcement of tobacco laws and regulations.

2 Sec. 91. Section 142A.5, subsection 1, paragraph e, Code
3 2009, is amended to read as follows:

4 e. Enter into contracts with the alcoholic beverages
5 division of the department of ~~commerce~~ revenue, to provide
6 enforcement of tobacco laws and regulations. Such contracts
7 shall require that enforcement efforts include training of
8 local authorities who issue retailer permits and education of
9 retailers.

10 Sec. 92. Section 321.19, subsection 1, unnumbered paragraph
11 2, Code 2009, is amended to read as follows:

12 The department shall furnish, on application, free of
13 charge, distinguishing plates for vehicles thus exempted,
14 which plates except plates on state patrol vehicles shall bear
15 the word "official" and the department shall keep a separate
16 record. Registration plates issued for state patrol vehicles,
17 except unmarked patrol vehicles, shall bear two red stars
18 on a yellow background, one before and one following the
19 registration number on the plate, which registration number
20 shall be the officer's badge number. Registration plates
21 issued for county sheriff's patrol vehicles shall display one
22 seven-pointed gold star followed by the letter "S" and the call
23 number of the vehicle. However, the director of the department
24 of administrative services or the director of transportation
25 may order the issuance of regular registration plates for any
26 exempted vehicle used by peace officers in the enforcement
27 of the law, persons enforcing chapter 124 and other laws
28 relating to controlled substances, persons in the department of
29 justice, the alcoholic beverages division of the department of
30 ~~commerce~~ revenue, disease investigators of the Iowa department
31 of public health, the department of inspections and appeals,
32 and the department of revenue, who are regularly assigned to
33 conduct investigations which cannot reasonably be conducted
34 with a vehicle displaying "official" state registration plates,
35 persons in the Iowa lottery authority whose regularly assigned

1 duties relating to security or the carrying of lottery tickets
 2 cannot reasonably be conducted with a vehicle displaying
 3 "official" registration plates, persons in the department of
 4 economic development who are regularly assigned duties relating
 5 to existing industry expansion or business attraction, and
 6 mental health professionals or health care professionals who
 7 provide off-site or in-home medical or mental health services
 8 to clients of publicly funded programs. For purposes of sale
 9 of exempted vehicles, the exempted governmental body, upon the
 10 sale of the exempted vehicle, may issue for in-transit purposes
 11 a pasteboard card bearing the words "Vehicle in Transit", the
 12 name of the official body from which the vehicle was purchased,
 13 together with the date of the purchase plainly marked in at
 14 least one-inch letters, and other information required by the
 15 department. The in-transit card is valid for use only within
 16 forty-eight hours after the purchase date as indicated on the
 17 bill of sale which shall be carried by the driver.

18 Sec. 93. Section 453A.2, subsection 7, Code 2009, is amended
 19 to read as follows:

20 7. A tobacco compliance employee training fund is created in
 21 the office of the treasurer of state. The fund shall consist
 22 of civil penalties assessed by the Iowa department of public
 23 health under section 453A.22 for violations of this section.
 24 Moneys in the fund are appropriated to the alcoholic beverages
 25 division of the department of ~~commerce~~ revenue and shall be
 26 used to develop and administer the tobacco compliance employee
 27 training program under section 453A.5. Moneys deposited in the
 28 fund shall not be transferred, used, obligated, appropriated,
 29 or otherwise encumbered except as provided in this subsection.
 30 Notwithstanding section 8.33, any unexpended balance in the
 31 fund at the end of the fiscal year shall be retained in the
 32 fund.

33 Sec. 94. Section 453A.5, subsection 1, Code 2009, is amended
 34 to read as follows:

35 1. The alcoholic beverages division of the department of

1 ~~commerce~~ revenue shall develop a tobacco compliance employee
2 training program not to exceed two hours in length for
3 employees and prospective employees of retailers, as defined
4 in sections 453A.1 and 453A.42, to inform the employees about
5 state and federal laws and regulations regarding the sale of
6 cigarettes and tobacco products to persons under eighteen years
7 of age and compliance with and the importance of laws regarding
8 the sale of cigarettes and tobacco products to persons under
9 eighteen years of age.

10 Sec. 95. Section 455C.3, subsections 2 and 5, Code 2009, are
11 amended to read as follows:

12 2. A distributor shall accept and pick up from a dealer
13 served by the distributor or a redemption center for a
14 dealer served by the distributor at least weekly, or when the
15 distributor delivers the beverage product if deliveries are
16 less frequent than weekly, any empty beverage container of the
17 kind, size and brand sold by the distributor, and shall pay to
18 the dealer or person operating a redemption center the refund
19 value of a beverage container and the reimbursement as provided
20 under section 455C.2 within one week following pickup of the
21 containers or when the dealer or redemption center normally
22 pays the distributor for the deposit on beverage products
23 purchased from the distributor if less frequent than weekly.
24 A distributor or employee or agent of a distributor is not in
25 violation of this subsection if a redemption center is closed
26 when the distributor attempts to make a regular delivery or a
27 regular pickup of empty beverage containers. This subsection
28 does not apply to a distributor selling alcoholic liquor
29 to the alcoholic beverages division of the department of
30 ~~commerce~~ revenue.

31 5. The alcoholic beverages division of the department
32 of ~~commerce~~ revenue shall provide for the disposal of empty
33 beverage containers as required under subsection 2. The
34 division shall give priority consideration to the recycling
35 of the empty beverage containers to the extent possible,

1 before any other appropriate disposal method is considered or
2 implemented.

3 Sec. 96. Section 546.2, subsection 3, paragraph e, Code
4 2009, is amended by striking the paragraph.

5 Sec. 97. NEW SECTION. **421.2A Alcoholic beverages division.**

6 An alcoholic beverages division is created within the
7 department of revenue. The alcoholic beverages division shall
8 enforce and implement chapter 123. The division is headed by
9 the administrator of alcoholic beverages who shall be appointed
10 pursuant to section 123.10. The alcoholic beverages commission
11 shall perform duties within the division pursuant to chapter
12 123.

13 Sec. 98. REPEAL. Section 546.9, Code 2009, is repealed.

14 Sec. 99. ALCOHOLIC BEVERAGES DIVISION — TRANSITION
15 PROVISIONS.

16 1. In regard to updating references and format in the
17 Iowa administrative code in order to correspond to the
18 transferring of the division from the department of commerce
19 to the department of revenue as established by this division
20 of this Act, the administrative rules coordinator and the
21 administrative rules review committee, in consultation with the
22 administrative code editor, shall jointly develop a schedule
23 for the necessary updating of the Iowa administrative code.

24 2. Any replacement of signs, logos, stationery, insignia,
25 uniforms, and related items that is made due to the effect of
26 this division of this Act should be done as part of the normal
27 replacement cycle for such items.

28 DIVISION X

29 ALCOHOLIC BEVERAGES DIVISION — OPERATIONS

30 Sec. 100. ALCOHOLIC BEVERAGES DIVISION — STATE WAREHOUSE
31 FRIDAY CLOSURE. For the fiscal year beginning July 1, 2010,
32 and ending June 30, 2011, the administrator of the alcoholic
33 beverages division of the department of commerce as created
34 in chapter 123 shall close the main state warehouse every
35 Friday. However, the administrator may keep the warehouse open

1 on designated Fridays if the administrator determines that
2 anticipated sales on that Friday justify keeping the state
3 warehouse open. The administrator may extend the closure
4 authorized pursuant to this section to the succeeding fiscal
5 year.

6 Sec. 101. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
7 of a chapter 28D agreement entered into between the division
8 of tobacco use prevention and control of the Iowa department
9 of public health and the alcoholic beverages division of the
10 department of commerce, governing compliance checks conducted
11 to ensure licensed retail tobacco outlet conformity with
12 tobacco laws, regulations, and ordinances relating to persons
13 under eighteen years of age, shall restrict the number of such
14 checks to one check per retail outlet for the fiscal year
15 beginning July 1, 2010, and ending June 30, 2011.

16 DIVISION XI

17 ALCOHOLIC BEVERAGES DIVISION — DIRECT SHIPMENT OF WINE

18 Sec. 102. Section 123.173, subsection 1, Code 2009, is
19 amended to read as follows:

20 1. ~~Permits~~ Except as provided in section 123.187,
21 permits exclusively for the sale or manufacture and sale of
22 wine shall be divided into four classes, and shall be known as
23 class "A", "B", "B" native, or "C" native wine permits.

24 Sec. 103. Section 123.187, Code 2009, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **123.187 Direct shipment of wine — licenses and requirements.**

27 1. A wine manufacturer licensed or permitted pursuant to
28 laws regulating alcoholic beverages in another state may apply
29 for a wine direct shipper license, as provided in this section.

30 2. a. The administrator shall issue a wine direct
31 shipper license to a wine manufacturer who submits a written
32 application for the license on a form to be established by
33 the administrator by rule, accompanied by a true copy of the
34 manufacturer's current alcoholic beverage license or permit
35 issued in another state, and a copy of the manufacturer's

1 winery license issued by the federal alcohol and tobacco tax
2 and trade bureau.

3 *b.* An application submitted pursuant to paragraph "a" shall
4 be accompanied by a license fee in the amount of twenty-five
5 dollars.

6 *c.* A license issued pursuant to this section may be renewed
7 annually by resubmitting the information required in paragraph
8 "a", accompanied by the twenty-five dollar license fee.

9 3. The direct shipment of wine pursuant to this
10 section shall be subject to the following requirements and
11 restrictions:

12 *a.* No more than eighteen liters of wine per month may be
13 shipped by a wine direct shipper licensee to a resident of
14 this state who is at least twenty-one years of age, for the
15 resident's personal use and not for resale.

16 *b.* Wine subject to direct shipping shall be properly
17 registered with the federal alcohol and tobacco tax and trade
18 bureau, and manufactured on the winery premises of the wine
19 direct shipper licensee.

20 *c.* All containers of wine shipped directly to a resident
21 of this state shall be conspicuously labeled with the words
22 CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
23 FOR DELIVERY or shall be conspicuously labeled with alternative
24 wording preapproved by the administrator.

25 *d.* All containers of wine shipped directly to a resident of
26 this state shall be shipped by an alcohol carrier licensed as
27 provided in subsection 6.

28 4. *a.* In addition to the annual license fee, a wine
29 direct shipper licensee shall remit to the division an amount
30 equivalent to the wine gallonage tax at the rate specified in
31 section 123.183 for deposit in the beer and liquor control fund
32 created in section 123.53. The amount shall be remitted at
33 the same time and in the same manner as provided in section
34 123.184, and the ten percent penalty specified therein shall
35 be applicable.

1 *b.* Shipment of wine pursuant to this subsection is not
2 subject to sales tax under section 423.2, use tax under
3 section 423.5, and does not require a refund value for beverage
4 container control purposes under chapter 455C.

5 5. A wine direct shipper licensee shall be deemed to
6 have consented to the jurisdiction of the division or any
7 other agency or court in this state concerning enforcement
8 of this section and any related laws, rules, or regulations.
9 A licensee shall permit the division to perform an audit of
10 shipping records upon request.

11 6. *a.* Wine subject to direct shipment pursuant to this
12 section shall be delivered only by a carrier having obtained
13 from the division an alcohol carrier license. An alcohol
14 carrier license shall be issued subject to requirements,
15 fees, and upon application forms to be determined by the
16 administrator by rule.

17 *b.* An alcohol carrier licensee shall not deliver wine to
18 any person under twenty-one years of age, or to any person
19 who either is or appears to be in an intoxicated state or
20 condition. A licensee shall obtain valid proof of identity and
21 age prior to delivery, and shall obtain the signature of an
22 adult as a condition of delivery.

23 *c.* An alcohol carrier licensee shall maintain records of
24 wine shipped which include the license number and name of the
25 wine manufacturer, quantity of wine shipped, recipient's name
26 and address, and an electronic or paper form of signature from
27 the recipient of the wine.

28 7. The holder of a permit for the sale or manufacture and
29 sale of wine listed in section 123.173, subsection 1, shall be
30 authorized under that permit and without any other licensing
31 requirement to ship out of this state by private common
32 carrier, to a person twenty-one years of age or older, not more
33 than eighteen liters of wine per month, for consumption or use
34 by the person.

35 8. A violation of this section shall subject a licensee to

1 the penalty provisions of section 123.39.

2 DIVISION XII

3 DEPARTMENT OF HUMAN RIGHTS — REORGANIZATION

4 Sec. 104. Section 216A.1, Code 2009, is amended to read as
5 follows:

6 **216A.1 Department of human rights — purpose.**

7 1. A department of human rights is created, with the
8 following divisions and offices:

9 a. Division of community advocacy and services, with the
10 following offices:

11 ~~1. (1) Division Office of Latino affairs.~~

12 ~~2. (2) Division Office on the status of women.~~

13 ~~3. (3) Division Office of persons with disabilities.~~

14 ~~4. Division of community action agencies.~~

15 ~~5. (4) Division Office of deaf services.~~

16 ~~6. Division of criminal and juvenile justice planning.~~

17 ~~7. (5) Division Office on the status of~~

18 ~~African-Americans African Americans.~~

19 ~~8. (6) Division Office on the status of Iowans of Asian and~~
20 ~~Pacific Islander heritage.~~

21 ~~9. (7) Division Office on Native American affairs.~~

22 b. Division of community action agencies.

23 c. Division of criminal and juvenile justice planning.

24 2. The purpose of the department is to ensure basic
25 rights, freedoms, and opportunities for all by empowering
26 underrepresented Iowans and eliminating economic, social, and
27 cultural barriers.

28 Sec. 105. Section 216A.2, Code 2009, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **216A.2 Appointment of department director, deputy director,**
31 **and administrators — duties.**

32 1. The governor shall appoint a director of the department
33 of human rights, subject to confirmation by the senate pursuant
34 to section 2.32. The department director shall serve at the
35 pleasure of the governor and is exempt from the merit system

1 provisions of chapter 8A, subchapter IV. The governor shall
2 set the salary of the department director within the ranges set
3 by the general assembly.

4 2. The director is the chief administrative officer of
5 the department and in that capacity administers the programs
6 and services of the department in compliance with applicable
7 federal and state laws and regulations. The duties of the
8 director include preparing a budget, establishing an internal
9 administrative structure, and employing personnel.

10 3. The department director shall appoint the administrators
11 of the divisions within the department and all other personnel
12 deemed necessary for the administration of this chapter.
13 The department director shall establish the duties of the
14 administrators of the divisions within the department.

15 4. The department director shall do all of the following:

16 a. Establish general operating policies for the department
17 to provide general uniformity among the offices while providing
18 for necessary benefits.

19 b. Prepare a budget for the department, subject to the
20 budget requirements pursuant to chapter 8, for approval by the
21 board.

22 c. Coordinate and supervise personnel services and shared
23 administrative support services to assure maximum support and
24 assistance to the divisions.

25 d. Identify and facilitate the opportunities for
26 consolidation and efficiencies within the department.

27 e. Serve as an ex officio member of all commissions or
28 councils within the department.

29 f. Serve as an ex officio, nonvoting member of the human
30 rights board.

31 g. Solicit and accept gifts and grants on behalf of the
32 department and each commission or council and administer such
33 gifts and grants in accordance with the terms thereof.

34 h. Enter into contracts with public and private individuals
35 and entities to conduct the business and achieve the objectives

1 of the department and each commission or council.

2 *i.* Issue an annual report to the governor and general
3 assembly no later than November 1 of each year concerning
4 the operations of the department. However, the division of
5 criminal and juvenile justice planning and the division of
6 community action agencies shall submit annual reports as
7 specified in this chapter.

8 *j.* Seek to implement the comprehensive strategic plan
9 approved by the board under section 216A.3.

10 *k.* Assist the department of economic development in
11 implementing the requirements of chapter 73 concerning targeted
12 small business procurement.

13 Sec. 106. Section 216A.3, Code 2009, is amended by striking
14 the section and inserting in lieu thereof the following:

15 **216A.3 Human rights board.**

16 1. A human rights board is created within the department of
17 human rights.

18 2. The board shall consist of fourteen members, including
19 nine voting members and five nonvoting members and determined
20 as follows:

21 *a.* The voting members shall consist of nine voting members
22 selected by each of the permanent commissions within the
23 department, and two voting members, appointed by the governor.
24 For purposes of this paragraph "*a*", "*permanent commissions*"
25 means the commission of Latino affairs, commission on the
26 status of women, commission of persons with disabilities,
27 commission on community action agencies, commission on the
28 deaf, criminal and juvenile justice planning advisory council,
29 commission on the status of African Americans, commission on
30 the status of Iowans of Asian and Pacific Islander heritage,
31 and commission on Native American affairs.

32 *b.* The nonvoting members shall consist of the department
33 director, two state representatives, one appointed by the
34 speaker of the house of representatives and one by the minority
35 leader of the house of representatives, and two state senators,

1 one appointed by the majority leader of the senate and one by
2 the minority leader of the senate.

3 3. A majority of the members of the board shall constitute
4 a quorum, and the affirmative vote of two-thirds of the voting
5 members is necessary for any substantive action taken by the
6 board. The board shall select a chairperson from the voting
7 members of the board. The board shall meet not less than four
8 times a year.

9 4. The board shall have the following duties:

10 a. Develop and monitor implementation of a comprehensive
11 strategic plan to remove barriers for underrepresented
12 populations and, in doing so, to increase Iowa's productivity
13 and inclusivity, including performance measures and benchmarks.

14 b. Approve, disapprove, amend, or modify the budget
15 recommended by the department director for the operation of
16 the department, subject to the budget requirements pursuant to
17 chapter 8.

18 c. Adopt administrative rules pursuant to chapter 17A,
19 upon the recommendation of the department director, for the
20 operation of the department.

21 d. By November 1 of each year, approve the department report
22 to the general assembly and the governor that covers activities
23 during the preceding fiscal year.

24 Sec. 107. Section 216A.4, Code 2009, is amended by adding
25 the following new subsections:

26 NEW SUBSECTION. 0A. "*Board*" means human rights board.

27 NEW SUBSECTION. 3. "*Underrepresented*" means the historical
28 marginalization of populations or groups in the United States
29 and Iowa, including but not limited to African Americans, Asian
30 and Pacific Islanders, persons who are deaf or hard of hearing,
31 persons with disabilities, Latinos, Native Americans, women,
32 persons who have low incomes, and adults or juveniles with a
33 criminal history.

34 Sec. 108. NEW SECTION. 216A.7 Access to information.

35 Upon request of the director or a commission, council, or

1 administrator of a division of the department, all boards,
2 agencies, departments, and offices of the state shall make
3 available nonconfidential information, records, data, and
4 statistics which are relevant to the populations served by the
5 offices, councils, and commissions of the department.

6 Sec. 109. Section 216A.11, subsection 1, Code 2009, is
7 amended by striking the subsection.

8 Sec. 110. Section 216A.11, subsection 3, Code 2009, is
9 amended to read as follows:

10 3. ~~"Division"~~ "Office" means the ~~division~~ office of Latino
11 affairs of the department of human rights.

12 Sec. 111. Section 216A.12, Code Supplement 2009, is amended
13 to read as follows:

14 **216A.12 Commission of Latino affairs — terms —**
15 **compensation.**

16 1. The commission of Latino affairs consists of
17 ~~nine~~ seven members, appointed by the governor, and subject
18 to confirmation by the senate pursuant to section 2.32.
19 Commission members shall be appointed in compliance with
20 sections 69.16 and 69.16A and with consideration given to
21 geographic residence in the state and density of Latino
22 population ~~represented by each member~~ in the area of geographic
23 residence. Commission members shall reside in the state.

24 2. The members of the commission shall be appointed during
25 the month of June and shall serve for terms of two years
26 commencing July 1 of each odd-numbered year. Members appointed
27 shall continue to serve until their respective successors are
28 appointed. Vacancies in the membership of the commission shall
29 be filled by the original appointing authority and in the
30 manner of the original appointments. Members shall receive
31 actual expenses incurred while serving in their official
32 capacity. Members may also be eligible to receive compensation
33 as provided in section 7E.6.

34 3. The commission shall select from its membership a
35 chairperson and other officers as it deems necessary and shall

1 meet at least quarterly each fiscal year. A majority of the
2 members currently appointed to the commission shall constitute
3 a quorum and the affirmative vote of a majority of the
4 currently appointed members is necessary for any substantive
5 action taken by the commission. A member shall not vote on any
6 action if the member has a conflict of interest on the matter
7 and a statement by the member of a conflict of interest shall
8 be conclusive for this purpose.

9 Sec. 112. Section 216A.14, Code 2009, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **216A.14 Office of Latino affairs — duties.**

12 The office of Latino affairs is established and shall do the
13 following:

14 1. Serve as the central permanent agency to advocate for
15 Latino persons.

16 2. Coordinate, assist, and cooperate with the efforts of
17 state departments and agencies to serve the needs of Latino
18 persons in the fields of education, employment, health,
19 housing, welfare, and recreation.

20 3. Develop, coordinate, and assist other public
21 organizations which serve Latino persons.

22 4. Serve as an information clearinghouse on programs and
23 agencies operating to assist Latino persons.

24 Sec. 113. Section 216A.15, subsections 1 through 9, Code
25 2009, are amended by striking the subsections and inserting in
26 lieu thereof the following:

27 1. Study the opportunities for and changing needs of the
28 Latino population of this state.

29 2. Serve as liaison between the office and the public,
30 sharing information and gathering constituency input.

31 3. Recommend to the board for adoption rules pursuant
32 to chapter 17A as it deems necessary for the commission and
33 office.

34 4. Recommend to the department director policies and
35 programs for the office.

1 5. Establish advisory committees, work groups, or other
2 coalitions as appropriate.

3 Sec. 114. Section 216A.51, subsection 1, Code 2009, is
4 amended by striking the subsection.

5 Sec. 115. Section 216A.51, subsection 3, Code 2009, is
6 amended to read as follows:

7 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
8 status of women of the department of human rights.

9 Sec. 116. Section 216A.52, Code 2009, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **216A.52 Office on the status of women.**

12 The office on the status of women is established, and shall
13 do all of the following:

14 1. Serve as the central permanent agency to advocate for
15 women and girls.

16 2. Coordinate and cooperate with the efforts of state
17 departments and agencies to serve the needs of women and girls
18 in participating fully in the economic, social, and cultural
19 life of the state, and provide direct assistance to individuals
20 who request it.

21 3. Serve as a clearinghouse on programs and agencies
22 operating to assist women and girls.

23 4. Develop, coordinate, and assist other public or private
24 organizations which serve women and girls.

25 Sec. 117. Section 216A.53, Code 2009, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **216A.53 Commission on the status of women established.**

28 1. The commission on the status of women is established and
29 shall consist of seven voting members who shall be appointed by
30 the governor, subject to confirmation by the senate pursuant
31 to section 2.32, and shall represent a cross section of the
32 citizens of the state. No more than a simple majority of the
33 commission members shall be from the same political party. All
34 members shall reside in the state.

35 2. The term of office for voting members is four years.

1 Members whose terms expire may be reappointed. Vacancies in
 2 voting membership positions on the commission shall be filled
 3 for the unexpired term in the same manner as the original
 4 appointment. Voting members of the commission shall receive a
 5 per diem as specified in section 7E.6 and shall be reimbursed
 6 for actual expenses incurred while serving in their official
 7 capacity, subject to statutory limits.

8 3. Members of the commission shall appoint a chairperson and
 9 vice chairperson and any other officers as the commission deems
 10 necessary. The commission shall meet at least quarterly during
 11 each fiscal year. A majority of the voting members currently
 12 appointed to the commission shall constitute a quorum. A
 13 quorum of the members shall be required for the conduct of
 14 business of the commission and the affirmative vote of a
 15 majority of the currently appointed voting members is necessary
 16 for any substantive action taken by the commission. A member
 17 shall not vote on any action if the member has a conflict of
 18 interest on the matter and a statement by the member of a
 19 conflict of interest shall be conclusive for this purpose.

20 Sec. 118. Section 216A.54, Code 2009, is amended by striking
 21 the section and inserting in lieu thereof the following:

22 **216A.54 Commission powers and duties.**

23 1. The commission shall have the following powers and
 24 duties:

25 a. Study the opportunities for and changing needs of the
 26 women and girls of this state.

27 b. Serve as liaison between the office and the public,
 28 sharing information and gathering constituency input.

29 c. Recommend to the board the adoption of rules pursuant
 30 to chapter 17A as it deems necessary for the commission and
 31 office.

32 d. Recommend legislative and executive action to the
 33 governor and general assembly.

34 e. Establish advisory committees, work groups, or other
 35 coalitions as appropriate.

1 Sec. 119. Section 216A.71, subsection 1, Code 2009, is
2 amended by striking the subsection.

3 Sec. 120. Section 216A.71, subsection 3, Code 2009, is
4 amended to read as follows:

5 3. ~~"Division"~~ "Office" means the ~~division~~ office of persons
6 with disabilities of the department of human rights.

7 Sec. 121. Section 216A.72, Code 2009, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **216A.72 Office of persons with disabilities.**

10 The office of persons with disabilities is established, and
11 shall do all of the following:

12 1. Serve as the central permanent agency to advocate for
13 persons with disabilities.

14 2. Coordinate and cooperate with the efforts of state
15 departments and agencies to serve the needs of persons with
16 disabilities in participating fully in the economic, social,
17 and cultural life of the state, and provide direct assistance
18 to individuals who request it.

19 3. Develop, coordinate, and assist other public or private
20 organizations which serve persons with disabilities.

21 4. Serve as an information clearinghouse on programs and
22 agencies operating to assist persons with disabilities.

23 Sec. 122. Section 216A.74, Code Supplement 2009, is amended
24 by striking the section and inserting in lieu thereof the
25 following:

26 **216A.74 Commission of persons with disabilities established.**

27 1. The commission of persons with disabilities is
28 established and shall consist of seven voting members
29 appointed by the governor subject to confirmation by the
30 senate pursuant to section 2.32. Insofar as practicable,
31 the commission shall consist of persons with disabilities;
32 family members of persons with disabilities; representatives of
33 industry, labor, business, and agriculture; representatives of
34 federal, state, and local government; and representatives of
35 religious, charitable, fraternal, civic, educational, medical,

1 legal, veteran, welfare, and other professional groups and
2 organizations. Members of the commission shall be appointed
3 with consideration given to geographic residence of the state.
4 All members shall reside in the state.

5 2. Terms of office are four years and shall begin and end
6 pursuant to section 69.19. Members whose terms expire may
7 be reappointed. Vacancies on the commission shall be filled
8 for the unexpired term in the same manner as the original
9 appointment. Voting members shall receive actual expenses
10 incurred while serving in their official capacity, subject
11 to statutory limits. Voting members may also be eligible to
12 receive compensation as provided in section 7E.6.

13 3. Members of the commission shall appoint a chairperson.
14 The commission shall meet at least quarterly during each fiscal
15 year. A majority of the voting members currently appointed
16 to the commission shall constitute a quorum. A quorum shall
17 be required for the conduct of business of the commission and
18 the affirmative vote of a majority of the currently appointed
19 voting members is necessary for any substantive action taken by
20 the commission. A member shall not vote on any action if the
21 member has a conflict of interest on the matter and a statement
22 by the member of a conflict of interest shall be conclusive for
23 this purpose.

24 Sec. 123. Section 216A.75, Code 2009, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **216A.75 Commission powers and duties.**

27 The commission shall have the following powers and duties:

28 1. Study the opportunities for and changing needs of persons
29 with disabilities in this state.

30 2. Serve as liaisons between the office and the public,
31 sharing information and gathering constituency input.

32 3. Recommend to the board the adoption of rules pursuant
33 to chapter 17A as it deems necessary for the commission and
34 office.

35 4. Recommend legislative and executive action to the

1 governor and general assembly.

2 5. Establish advisory committees, work groups, or other
3 coalitions as appropriate.

4 Sec. 124. Section 216A.92, Code 2009, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **216A.92 Division of community action agencies.**

7 1. The division of community action agencies is
8 established. The purpose of the division of community action
9 agencies is to strengthen, supplement, and coordinate efforts
10 to develop the full potential of each citizen by recognizing
11 certain community action agencies and supporting certain
12 community-based programs delivered by community action
13 agencies.

14 2. The division shall do all of the following:

15 a. Provide financial assistance for community action
16 agencies to implement community action programs, as permitted
17 by the community service block grant and subject to the funding
18 made available for the program.

19 b. Administer the community services block grant, the
20 low-income energy assistance block grants, department of energy
21 funds for weatherization, and other possible funding sources.
22 If a political subdivision is the community action agency,
23 the financial assistance shall be allocated to the political
24 subdivision.

25 c. Implement accountability measures for its programs and
26 require regular reporting on the measures by the community
27 action agencies.

28 d. Issue an annual report to the governor and general
29 assembly by July 1 of each year.

30 Sec. 125. Section 216A.92A, subsection 1, paragraph c, Code
31 2009, is amended to read as follows:

32 c. One-third of the members shall be persons who, according
33 to federal guidelines, have incomes at or below one hundred
34 eighty-five percent of poverty level.

1 Sec. 126. Section 216A.92A, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. The commission shall select from its membership a
4 chairperson and other officers as it deems necessary. The
5 commission shall meet no less than four times per year. A
6 majority of the members of the commission shall constitute a
7 quorum.

8 Sec. 127. Section 216A.92B, Code 2009, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 **216A.92B Commission powers and duties.**

12 The commission shall have the following powers and duties:

13 1. Recommend to the board the adoption of rules pursuant
14 to chapter 17A as it deems necessary for the commission and
15 division.

16 2. Supervise the collection of data regarding the scope of
17 services provided by the community action agencies.

18 3. Serve as liaisons between the division and the public,
19 sharing information and gathering constituency input.

20 4. Make recommendations to the governor and the general
21 assembly for executive and legislative action designed to
22 improve the status of low-income persons in the state.

23 5. Establish advisory committees, work groups, or other
24 coalitions as appropriate.

25 Sec. 128. Section 216A.93, Code 2009, is amended to read as
26 follows:

27 **216A.93 Establishment of community action agencies.**

28 The division shall recognize and assist in the designation
29 of certain community action agencies to assist in the
30 delivery of community action programs. These programs shall
31 include, but not be limited to, outreach, community services
32 block grant, low-income energy assistance, and weatherization
33 programs. If a community action agency is in effect and
34 currently serving an area, that community action agency shall
35 become the designated community action agency for that area.

~~1 If there is not a designated community action agency in the~~
~~2 area a city council or county board of supervisors or any~~
~~3 combination of one or more councils or boards may establish~~
~~4 a community action agency and may apply to the division for~~
~~5 recognition. The council or board or the combination may adopt~~
~~6 an ordinance or resolution establishing a community action~~
~~7 agency if a community action agency has not been designated.~~
~~8 It is the purpose of the division of community action agencies~~
~~9 to strengthen, supplement, and coordinate efforts to develop~~
~~10 the full potential of each citizen by recognizing certain~~
~~11 community action agencies and the continuation of certain~~
~~12 community-based programs delivered by community action~~
~~13 agencies. If any geographic area of the state ceases to be~~
~~14 served by a designated community action agency, the division~~
~~15 may solicit applications and assist the governor in designating~~
~~16 a community action agency for that area in accordance with~~
~~17 current community services block grant requirements.~~

18 Sec. 129. Section 216A.94, subsection 2, Code 2009, is
 19 amended to read as follows:

20 2. Notwithstanding subsection 1, a public agency
 21 shall establish an advisory board ~~or may contract with a~~
 22 ~~delegate agency~~ to assist the governing board in meeting
 23 the requirements of section 216A.95. The advisory board ~~or~~
 24 ~~delegate agency board~~ shall be composed of the same type
 25 of membership as a board of directors for community action
 26 agencies under subsection 1. ~~However, the public agency acting~~
 27 ~~as~~ In addition, the advisory board of the community action
 28 agency shall have the sole authority to determine annual
 29 program budget requests.

30 Sec. 130. Section 216A.95, subsection 1, Code 2009, is
 31 amended by striking the subsection and inserting in lieu
 32 thereof the following:

33 1. The governing board or advisory board shall fully
 34 participate in the development, planning, implementation, and
 35 evaluation of programs to serve low-income communities.

1 Sec. 131. Section 216A.96, subsection 1, Code 2009, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. Plan and implement strategies to alleviate the
5 conditions of poverty and encourage self-sufficiency for
6 citizens in its service area and in Iowa. In doing so,
7 an agency shall plan for a community action program by
8 establishing priorities among projects, activities, and areas
9 to provide for the most efficient use of possible resources.

10 Sec. 132. Section 216A.96, subsection 4, Code 2009, is
11 amended to read as follows:

12 4. Encourage and support self-help, volunteer, business,
13 labor, and other groups and organizations to assist public
14 officials and agencies in supporting a community action program
15 ~~which results in the additional use of~~ by providing private
16 resources ~~while,~~ developing new employment opportunities,
17 encouraging investments ~~which have an impact on reducing~~
18 ~~poverty among the poor~~ in areas of concentrated poverty, and
19 providing methods by which low-income persons can work with
20 private organizations, businesses, and institutions in seeking
21 solutions to problems of common concern.

22 Sec. 133. Section 216A.97, Code 2009, is amended to read as
23 follows:

24 **216A.97 Administration.**

25 A community action agency or a delegate agency may
26 administer the components of a community action program
27 when the program is consistent with plans and purposes and
28 applicable law. The community action programs may be projects
29 which are eligible for assistance from any source. The
30 programs shall be developed to meet local needs and may be
31 designed to meet eligibility standards of a federal or state
32 program ~~providing assistance to a plan to meet local needs.~~

33 Sec. 134. Section 216A.98, Code 2009, is amended to read as
34 follows:

35 **216A.98 Audit.**

1 Each community action agency shall be audited annually but
 2 shall not be required to obtain a duplicate audit to meet the
 3 requirements of this section. In lieu of an audit by the
 4 auditor of state, the community action agency may contract with
 5 or employ a certified public accountant to conduct the audit,
 6 pursuant to the applicable terms and conditions prescribed by
 7 sections 11.6 and 11.19 and an audit format prescribed by the
 8 auditor of state. Copies of each audit shall be furnished to
 9 the division ~~within three months following the annual audit in~~
 10 a manner prescribed by the division.

11 Sec. 135. Section 216A.102, subsection 3, Code 2009, is
 12 amended to read as follows:

13 3. Under rules developed by the division of community action
 14 agencies of the department of human rights and adopted by
 15 the board, the fund may be used to negotiate reconnection of
 16 essential utility services with the energy provider.

17 Sec. 136. Section 216A.104, subsections 4 and 5, Code 2009,
 18 are amended by striking the subsections.

19 Sec. 137. Section 216A.107, subsection 2, Code Supplement
 20 2009, is amended to read as follows:

21 2. Unless otherwise provided by law, terms of members,
 22 election of officers, and other procedural matters shall be
 23 as determined by the council. A quorum shall be required for
 24 the conduct of business of the council and the affirmative
 25 vote of a majority of the currently appointed voting members
 26 is necessary for any substantive action taken by the council.
 27 A member shall not vote on any action if the member has a
 28 conflict of interest on the matter and a statement by the
 29 member of a conflict of interest shall be conclusive for this
 30 purpose.

31 Sec. 138. Section 216A.111, subsection 1, Code 2009, is
 32 amended by striking the subsection.

33 Sec. 139. Section 216A.111, subsection 3, Code 2009, is
 34 amended to read as follows:

35 3. ~~"Division"~~ "Office" means the ~~division~~ office of deaf

1 services of the department of human rights.

2 Sec. 140. Section 216A.112, Code 2009, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 **216A.112 Office of deaf services.**

6 The office of deaf services is established, and shall do all
7 of the following:

8 1. Serve as the central permanent agency to advocate for
9 persons who are deaf or hard of hearing.

10 2. Coordinate and cooperate with the efforts of state
11 departments and agencies to serve the needs of persons who are
12 deaf or hard of hearing in participating fully in the economic,
13 social, and cultural life of the state, and provide direct
14 assistance to individuals who request it.

15 3. Develop, coordinate, and assist other public or private
16 organizations which serve persons who are deaf or hard of
17 hearing.

18 4. Serve as an information clearinghouse on programs and
19 agencies operating to assist persons who are deaf or hard of
20 hearing.

21 Sec. 141. Section 216A.113, Code 2009, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 **216A.113 Deaf services commission established.**

25 1. The commission on the deaf is established, and shall
26 consist of seven voting members appointed by the governor,
27 subject to confirmation by the senate pursuant to section
28 2.32. Lists of nominees for appointment to membership on the
29 commission may be submitted by the Iowa association of the
30 deaf, the Iowa state registry of interpreters for the deaf,
31 the Iowa school for the deaf, and the commission of persons
32 with disabilities. Membership of the commission shall include
33 at least four members who are deaf and who cannot hear human
34 speech with or without use of amplification and at least one
35 member who is hard of hearing. All members shall reside in

1 Iowa.

2 2. Terms of office are three years and shall begin and end
3 pursuant to section 69.19. Members whose terms expire may be
4 reappointed. Vacancies on the commission may be filled for
5 the remainder of the term in the same manner as the original
6 appointment. Members shall receive actual expenses incurred
7 while serving in their official capacity, subject to statutory
8 limits. Members may also be eligible to receive compensation
9 as provided in section 7E.6.

10 3. Members of the commission shall appoint a chairperson
11 and vice chairperson and other officers as the commission
12 deems necessary. The commission shall meet at least quarterly
13 during each fiscal year. A majority of the members currently
14 appointed to the commission shall constitute a quorum. A
15 quorum shall be required for the conduct of business of the
16 commission and the affirmative vote of a majority of the
17 currently appointed members is necessary for any substantive
18 action taken by the commission. A member shall not vote on any
19 action if the member has a conflict of interest on the matter
20 and a statement by the member of a conflict of interest shall
21 be conclusive for this purpose.

22 Sec. 142. Section 216A.114, Code 2009, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 **216A.114 Commission powers and duties.**

26 The commission shall have the following powers and duties:

27 1. Study the changing needs and aspirations of the deaf and
28 hard-of-hearing people in this state.

29 2. Serve as a liaison between the office and the public,
30 sharing information and gathering constituency input.

31 3. Recommend to the board for adoption rules pursuant
32 to chapter 17A as it deems necessary for the commission and
33 office.

34 4. Recommend legislative and executive action to the
35 governor and general assembly.

1 5. Establish advisory committees, work groups, or other
2 coalitions as appropriate.

3 Sec. 143. NEW SECTION. 216A.131A Division of criminal and
4 juvenile justice planning.

5 The division of criminal and juvenile justice planning is
6 established to fulfill the responsibilities of this subchapter,
7 including the duties specified in sections 216A.135, 216A.136,
8 216A.137, 216A.138, and 216A.139.

9 Sec. 144. Section 216A.132, subsection 1, unnumbered
10 paragraph 1, Code 2009, is amended to read as follows:

11 A criminal and juvenile justice planning advisory council is
12 established consisting of twenty-three members who shall all
13 reside in the state.

14 Sec. 145. Section 216A.132, subsection 1, paragraph b, Code
15 2009, is amended to read as follows:

16 b. The departments of human services, corrections,
17 and public safety, the division office on the status of
18 ~~African-Americans~~ African Americans, the Iowa department of
19 public health, the chairperson of the board of parole, the
20 attorney general, the state public defender, the governor's
21 office of drug control policy, and the chief justice of the
22 supreme court shall each designate a person to serve on the
23 council. The person appointed by the Iowa department of public
24 health shall be from the departmental staff who administer the
25 comprehensive substance abuse program under chapter 125.

26 Sec. 146. Section 216A.132, Code 2009, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3. Members of the council shall appoint
29 a chairperson and vice chairperson and other officers as the
30 council deems necessary. A majority of the voting members
31 currently appointed to the council shall constitute a quorum.
32 A quorum shall be required for the conduct of business of the
33 council and the affirmative vote of a majority of the currently
34 appointed members is necessary for any substantive action taken
35 by the council. A member shall not vote on any action if the

1 member has a conflict of interest on the matter and a statement
2 by the member of a conflict of interest shall be conclusive for
3 this purpose.

4 Sec. 147. Section 216A.133, subsection 5, Code 2009, is
5 amended to read as follows:

6 5. Administer federal funds and funds appropriated by
7 the state or that are otherwise available in compliance with
8 applicable laws, regulations, and other requirements for
9 purposes of study, research, investigation, planning, and
10 implementation in the areas of criminal and juvenile justice.

11 Sec. 148. Section 216A.133, Code 2009, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 8. Provide input to the department director
14 in the development of budget recommendations for the division.

15 NEW SUBSECTION. 9. Serve as liaison between the division
16 and the public, sharing information and gathering constituency
17 input.

18 NEW SUBSECTION. 10. Recommend to the board for adoption
19 rules pursuant to chapter 17A as it deems necessary for the
20 council and division.

21 NEW SUBSECTION. 11. Recommend legislative and executive
22 action to the governor and general assembly.

23 NEW SUBSECTION. 12. Establish advisory committees, work
24 groups, or other coalitions as appropriate.

25 Sec. 149. Section 216A.138, subsection 8, Code 2009, is
26 amended by striking the subsection.

27 Sec. 150. Section 216A.141, subsection 1, Code 2009, is
28 amended by striking the subsection.

29 Sec. 151. Section 216A.141, subsection 3, Code 2009, is
30 amended to read as follows:

31 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
32 status of ~~African-Americans~~ African Americans of the department
33 of human rights.

1 Sec. 152. Section 216A.142, Code 2009, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **216A.142 Commission on the status of African Americans**
5 **established.**

6 1. The commission on the status of African Americans is
7 established and shall consist of seven members appointed
8 by the governor, subject to confirmation by the senate.
9 Commission members shall be appointed with consideration given
10 to geographic residence. All members shall reside in Iowa.
11 At least five members shall be individuals who are African
12 American.

13 2. Terms of office are staggered four-year terms. Members
14 whose terms expire may be reappointed. Vacancies on the
15 commission shall be filled for the remainder of the term of and
16 in the same manner as the original appointment. The commission
17 shall meet quarterly and may hold special meetings on the call
18 of the chairperson. The members of the commission shall be
19 reimbursed for actual expenses while engaged in their official
20 duties. Members may also be eligible to receive compensation
21 as provided in section 7E.6.

22 3. Members of the commission shall appoint a chairperson
23 and vice chairperson and other officers as the commission
24 deems necessary. A majority of members of the commission
25 shall constitute a quorum. A quorum shall be required for the
26 conduct of business of the commission and the affirmative vote
27 of a majority of the currently appointed members is necessary
28 for any substantive action taken by the commission. A member
29 shall not vote on any action if the member has a conflict of
30 interest on the matter and a statement by the member of a
31 conflict of interest shall be conclusive for this purpose.

32 Sec. 153. Section 216A.143, Code 2009, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 **216A.143 Commission powers and duties.**

1 The commission shall have the following powers and duties:

2 1. Study the opportunities for and changing needs of the
3 African American community in this state.

4 2. Serve as liaison between the office and the public,
5 sharing information and gathering constituency input.

6 3. Recommend to the board for adoption rules pursuant
7 to chapter 17A as it deems necessary for the commission and
8 office.

9 4. Recommend executive and legislative action to the
10 governor and general assembly.

11 5. Establish advisory committees, work groups, or other
12 coalitions as appropriate.

13 Sec. 154. Section 216A.146, Code 2009, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 **216A.146 Office on the status of African Americans.**

17 The office on the status of African Americans is established
18 and shall do all of the following:

19 1. Serve as the central permanent agency to advocate for
20 African Americans.

21 2. Coordinate and cooperate with the efforts of state
22 departments and agencies to serve the needs of African
23 Americans in participating fully in the economic, social, and
24 cultural life of the state, and provide direct assistance to
25 individuals who request it.

26 3. Develop, coordinate, and assist other public or private
27 organizations which serve African Americans.

28 4. Serve as an information clearinghouse on programs and
29 agencies operating to assist African Americans.

30 Sec. 155. Section 216A.151, subsection 1, Code 2009, is
31 amended by striking the subsection.

32 Sec. 156. Section 216A.151, subsection 4, Code 2009, is
33 amended to read as follows:

34 4. ~~"Division"~~ "Office" means the ~~division~~ office on the
35 status of Iowans of Asian and Pacific Islander heritage of the

1 department of human rights.

2 Sec. 157. Section 216A.152, Code 2009, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 **216A.152 Commission on Asian and Pacific Islander affairs**
6 **established.**

7 1. The commission on Asian and Pacific Islander affairs is
8 established and shall consist of seven members appointed by the
9 governor, subject to confirmation by the senate. Members shall
10 be appointed representing every geographical area of the state
11 and ethnic groups of Asian and Pacific Islander heritage. All
12 members shall reside in Iowa.

13 2. Terms of office are four years and shall begin and end
14 pursuant to section 69.19. Members whose terms expire may be
15 reappointed. Vacancies on the commission may be filled for the
16 remainder of the term of and in the same manner as the original
17 appointment. Members shall receive actual expenses incurred
18 while serving in their official capacity, subject to statutory
19 limits. Members may also be eligible to receive compensation
20 as provided in section 7E.6.

21 3. Members of the commission shall appoint a chairperson
22 and vice chairperson and other officers as the commission deems
23 necessary. The commission shall meet at least quarterly during
24 each fiscal year. A majority of the members of the commission
25 shall constitute a quorum. A quorum shall be required for the
26 conduct of business of the commission and the affirmative vote
27 of a majority of the currently appointed members is necessary
28 for any substantive action taken by the commission. A member
29 shall not vote on any action if the member has a conflict of
30 interest on the matter and a statement by the member of a
31 conflict of interest shall be conclusive for this purpose.

32 Sec. 158. Section 216A.153, Code 2009, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 **216A.153 Commission powers and duties.**

1 The commission shall have the following powers and duties:

2 1. Study the opportunities for and changing needs of the
3 Asian and Pacific Islander persons in this state.

4 2. Serve as liaison between the office and the public,
5 sharing information and gathering constituency input.

6 3. Recommend to the board for adoption rules pursuant
7 to chapter 17A as it deems necessary for the commission and
8 office.

9 4. Recommend legislative and executive action to the
10 governor and general assembly.

11 5. Establish advisory committees, work groups, or other
12 coalitions as appropriate.

13 Sec. 159. Section 216A.154, Code 2009, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 **216A.154 Office on the status of Iowans of Asian and Pacific**
17 **Islander heritage.**

18 The office on the status of Iowans of Asian and Pacific
19 Islander Heritage is established and shall do all of the
20 following:

21 1. Serve as the central permanent agency to advocate for
22 Iowans of Asian and Pacific Islander heritage.

23 2. Coordinate and cooperate with the efforts of state
24 departments and agencies to serve the needs of Iowans of Asian
25 and Pacific Islander heritage in participating fully in the
26 economic, social, and cultural life of the state, and provide
27 direct assistance to individuals who request it.

28 3. Develop, coordinate, and assist other public or private
29 organizations which serve Iowans of Asian and Pacific Islander
30 heritage.

31 4. Serve as an information clearinghouse on programs
32 and agencies operating to assist Iowans of Asian and Pacific
33 Islander heritage.

34 Sec. 160. Section 216A.161, subsection 1, Code 2009, is
35 amended by striking the subsection.

1 Sec. 161. Section 216A.161, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. ~~"Division"~~ "Office" means the ~~division office~~ on Native
4 American affairs of the department of human rights.

5 Sec. 162. Section 216A.162, subsection 1, Code 2009, is
6 amended to read as follows:

7 1. A commission on Native American affairs is established
8 consisting of eleven voting members appointed by the governor,
9 subject to confirmation by the senate. ~~The members of the~~
10 ~~commission shall appoint one of the members to serve as~~
11 ~~chairperson of the commission.~~

12 Sec. 163. Section 216A.162, Code 2009, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 4. Members of the commission shall appoint
15 one of their members to serve as chairperson and may appoint
16 such other officers as the commission deems necessary. The
17 commission shall meet at least four times per year and shall
18 hold special meetings on the call of the chairperson. The
19 members of the commission shall be reimbursed for actual
20 expenses while engaged in their official duties. A member
21 may also be eligible to receive compensation as provided in
22 section 7E.6. A majority of the members of the commission
23 shall constitute a quorum. A quorum shall be required for the
24 conduct of business of the commission and the affirmative vote
25 of a majority of the currently appointed members is necessary
26 for any substantive action taken by the commission. A member
27 shall not vote on any action if the member has a conflict of
28 interest on the matter and a statement by the member of a
29 conflict of interest shall be conclusive for this purpose.

30 Sec. 164. Section 216A.165, subsections 1 through 9, Code
31 2009, are amended by striking the subsections and inserting in
32 lieu thereof the following:

33 1. Study the opportunities for and changing needs of Native
34 American persons in this state.

35 2. Serve as a liaison between the department and the public,

1 sharing information and gathering constituency input.

2 3. Recommend to the board for adoption rules pursuant
3 to chapter 17A as it deems necessary for the commission and
4 office.

5 4. Recommend legislative and executive action to the
6 governor and general assembly.

7 5. Establish advisory committees, work groups, or other
8 coalitions as appropriate.

9 Sec. 165. Section 216A.166, Code 2009, is amended by
10 striking the section and inserting in lieu thereof the
11 following:

12 **216A.166 Office of Native American affairs.**

13 The office of Native American affairs is established and
14 shall do all of the following:

15 1. Serve as the central permanent agency to advocate for
16 Native Americans.

17 2. Coordinate and cooperate with the efforts of state
18 departments and agencies to serve the needs of Native Americans
19 in participating fully in the economic, social, and cultural
20 life of the state, and provide direct assistance to individuals
21 who request it.

22 3. Develop, coordinate, and assist other public or private
23 organizations which serve Native Americans.

24 4. Serve as an information clearinghouse on programs and
25 agencies operating to assist Native Americans.

26 Sec. 166. Section 216A.167, subsections 1 and 2, Code 2009,
27 are amended by striking the subsections.

28 Sec. 167. Section 216A.167, subsection 3, unnumbered
29 paragraph 1, Code 2009, is amended to read as follows:

30 The commission and office shall not have the authority to do
31 any of the following:

32 Sec. 168. REPEAL. Sections 216A.13, 216A.16, 216A.17,
33 216A.55, 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73,
34 216A.76, 216A.77, 216A.78, 216A.79, 216A.101, 216A.103,
35 216A.115, 216A.116, 216A.117, 216A.134, 216A.144, 216A.145,

1 216A.147, 216A.148, 216A.149, 216A.155, 216A.156, 216A.157,
2 216A.158, 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and
3 216A.170, Code 2009, are repealed.

4 Sec. 169. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION —
5 TRANSITION PROVISIONS.

6 1. Except for the department director, no other employee
7 of the department of human rights shall be appointed by the
8 governor. Those persons now occupying positions that were
9 previously appointed by the governor shall be subject to the
10 merit system and state human resource management system as
11 provided by sections 8A.412 and 8A.413.

12 2. Through December 31, 2010, the department director shall
13 be granted reasonable flexibility within the department's
14 appropriation and allotted full-time equivalent positions to
15 reassign, retrain, or reclassify personnel as deemed necessary
16 in order to most effectively and efficiently carry out the
17 department's mission. Any personnel in the state merit system
18 of employment who are transferred from one work unit to another
19 due to the effect of this division of this Act shall be so
20 transferred without any loss in salary, benefits, or accrued
21 years of service.

22 3. In regard to updating references and format in the Iowa
23 administrative code in order to correspond to the transferring
24 of the authority to adopt rules from the previous divisions
25 of the department of human rights to the department of human
26 rights as established by this division of this Act, the
27 administrative rules coordinator and the administrative rules
28 review committee, in consultation with the administrative code
29 editor, shall jointly develop a schedule for the necessary
30 updating of the Iowa administrative code.

31 4. Current contracts that bind any division of the
32 department of human rights shall be honored by the department,
33 or expediently and judiciously amended if changes in the name
34 of the contractor must be made before the expiration of the
35 contract.

1 5. All client and organizational files in the possession
2 of any office subsumed within the division of community
3 advocacy and services as enacted by this division of this Act
4 will become the property of the office that will serve that
5 population.

6 6. Any replacement of signs, logos, stationery, insignia,
7 uniforms, and related items that is made due to the effect of
8 this division of this Act shall if possible be done as part of
9 the normal replacement cycle for such items.

10 7. a. The terms of office of voting members of the
11 following commissions shall terminate effective July 1, 2010.

12 (1) Commission of Latino affairs.

13 (2) Commission on the status of women.

14 (3) Commission of persons with disabilities.

15 (4) Commission on the status of African Americans.

16 (5) Commission on Asian and Pacific Islander affairs.

17 b. Members whose terms are terminated may reapply for
18 reappointment to that commission.

19 c. Appointments to the commissions described in this
20 subsection shall be staggered.

21 DIVISION XIII

22 GAMBLING SETOFFS

23 Sec. 170. Section 99D.28, subsection 1, Code 2009, is
24 amended to read as follows:

25 1. A licensee or a person acting on behalf of a licensee
26 shall be provided electronic access to the names of the
27 persons indebted to a claimant agency pursuant to the process
28 established pursuant to section 99D.7, subsection 23. The
29 electronic access provided by the claimant agency shall include
30 access to the names of the debtors, their social security
31 numbers, and any other information that assists the licensee
32 in identifying the debtors. If the name of a debtor provided
33 to the licensee through electronic access is retrieved by
34 the licensee and the winnings are equal to or greater than
35 ~~ten~~ one thousand two hundred dollars per occurrence, the

1 retrieval of such a name shall constitute a valid lien upon and
 2 claim of lien against the winnings of the debtor whose name
 3 is electronically retrieved from the claimant agency. If a
 4 debtor's winnings are equal to or greater than ~~ten~~ one thousand
 5 two hundred dollars per occurrence, the full amount of the debt
 6 shall be collectible from any winnings due the debtor without
 7 regard to limitations on the amounts that may be collectible in
 8 increments through setoff or other proceedings.

9 Sec. 171. Section 99F.19, subsection 1, Code 2009, is
 10 amended to read as follows:

11 1. A licensee or a person acting on behalf of a licensee
 12 shall be provided electronic access to the names of the
 13 persons indebted to a claimant agency pursuant to the process
 14 established pursuant to section 99F.4, subsection 26. The
 15 electronic access provided by the claimant agency shall include
 16 access to the names of the debtors, their social security
 17 numbers, and any other information that assists the licensee
 18 in identifying the debtors. If the name of a debtor provided
 19 to the licensee through electronic access is retrieved by
 20 the licensee and the winnings are equal to or greater than
 21 ~~ten~~ one thousand two hundred dollars per occurrence, the
 22 retrieval of such a name shall constitute a valid lien upon and
 23 claim of lien against the winnings of the debtor whose name
 24 is electronically retrieved from the claimant agency. If a
 25 debtor's winnings are equal to or greater than ~~ten~~ one thousand
 26 two hundred dollars per occurrence, the full amount of the debt
 27 shall be collectible from any winnings due the debtor without
 28 regard to limitations on the amounts that may be collectible in
 29 increments through setoff or other proceedings.

30 DIVISION XIV

31 DEPARTMENT OF MANAGEMENT — FINANCIAL ADMINISTRATION

32 REORGANIZATION

33 Sec. 172. NEW SECTION. 8.71 Definitions.

34 As used in this section and sections 8.72 through 8.89,
 35 unless the context otherwise requires:

1 1. *"Agency" or "state agency"* means a unit of state
2 government, which is an authority, board, commission,
3 committee, council, department, or independent agency as
4 defined in section 7E.4, including but not limited to each
5 principal central department enumerated in section 7E.5.
6 However, *"agency" or "state agency"* does not mean any of the
7 following:

8 *a.* The office of the governor or the office of an elective
9 constitutional or statutory officer.

10 *b.* The general assembly, or any office or unit under its
11 administrative authority.

12 *c.* The judicial branch, as provided in section 602.1102.

13 *d.* A political subdivision of the state or its offices
14 or units, including but not limited to a county, city, or
15 community college.

16 2. *"Department"* means the department of management.

17 3. *"Director"* means the director of the department of
18 management or the director's designee.

19 Sec. 173. NEW SECTION. **8.72 Financial administration**
20 **duties.**

21 The department shall provide for the efficient management
22 and administration of the financial resources of state
23 government and shall have and assume the following powers and
24 duties:

25 1. *Centralized accounting and payroll system.* To assume the
26 responsibilities related to a centralized accounting system for
27 state government and to establish a centralized payroll system
28 for all state agencies.

29 2. *Setoff procedures.* To establish and maintain a setoff
30 procedure as provided in section 8.74.

31 3. *Cost allocation system.* To establish a cost allocation
32 system as provided in section 8.75.

33 4. *Collection and payment of funds — monthly payments.* To
34 control the payment of all moneys into the state treasury,
35 and all payments from the state treasury by the preparation

1 of appropriate warrants, or warrant checks, directing such
2 collections and payment, and to advise the treasurer of state
3 monthly in writing of the amount of public funds not currently
4 needed for operating expenses. Whenever the state treasury
5 includes state funds that require distribution to counties,
6 cities, or other political subdivisions of this state, and the
7 counties, cities, and other political subdivisions certify to
8 the director that warrants will be stamped for lack of funds
9 within the thirty-day period following certification, the
10 director may partially distribute the funds on a monthly basis.
11 Whenever the law requires that any funds be paid by a specific
12 date, the director shall prepare a final accounting and shall
13 make a final distribution of any remaining funds prior to that
14 date.

15 5. *Preaudit system.* To establish and fix a reasonable
16 imprest cash fund for each state department and institution
17 for disbursement purposes where needed. These revolving
18 funds shall be reimbursed only upon vouchers approved by the
19 director. It is the purpose of this subsection to establish a
20 preaudit system of settling all claims against the state, but
21 the preaudit system is not applicable to any of the following:

22 a. Institutions under the control of the state board of
23 regents.

24 b. The state fair board as established in chapter 173.

25 c. The Iowa dairy industry commission as established in
26 chapter 179, the Iowa beef cattle producers association as
27 established in chapter 181, the Iowa pork producers council
28 as established in chapter 183A, the Iowa egg council as
29 established in chapter 184, the Iowa turkey marketing council
30 as established in chapter 184A, the Iowa soybean association
31 as provided in chapter 185, and the Iowa corn promotion board
32 as established in chapter 185C.

33 6. *Audit of claims.* To set rules and procedures for the
34 preaudit of claims by individual agencies or organizations.
35 The director reserves the right to refuse to accept incomplete

1 or incorrect claims and to review, preaudit, or audit claims
2 as determined by the director.

3 7. *Contracts.* To certify, record, and encumber all formal
4 contracts to prevent overcommitment of appropriations and
5 allotments.

6 8. *Accounts.* To keep the central budget and proprietary
7 control accounts of the general fund of the state and special
8 funds, as defined in section 8.2, of the state government.

9 Upon elimination of the state deficit under generally accepted
10 accounting principles, including the payment of items budgeted
11 in a subsequent fiscal year which under generally accepted
12 accounting principles should be budgeted in the current fiscal
13 year, the recognition of revenues received and expenditures
14 paid and transfers received and paid within the time period
15 required pursuant to section 8.33 shall be in accordance with
16 generally accepted accounting principles. Budget accounts
17 are those accounts maintained to control the receipt and
18 disposition of all funds, appropriations, and allotments.
19 Proprietary accounts are those accounts relating to assets,
20 liabilities, income, and expense. For each fiscal year, the
21 financial position and results of operations of the state shall
22 be reported in a comprehensive annual financial report prepared
23 in accordance with generally accepted accounting principles, as
24 established by the governmental accounting standards board.

25 9. *Fair board and state board of regents.* To control
26 the financial operations of the state fair board and the
27 institutions under the state board of regents:

28 a. By charging all warrants issued to the respective
29 educational institutions and the state fair board to an advance
30 account to be further accounted for and not as an expense which
31 requires no further accounting.

32 b. By charging all collections made by the educational
33 institutions and state fair board to the respective advance
34 accounts of the institutions and state fair board, and by
35 crediting all such repayment collections to the respective

1 appropriations and special funds.

2 *c.* By charging all disbursements made to the respective
3 allotment accounts of each educational institution or state
4 fair board and by crediting all such disbursements to the
5 respective advance and inventory accounts.

6 *d.* By requiring a monthly abstract of all receipts and
7 of all disbursements, both money and stores, and a complete
8 account current each month from each educational institution
9 and the state fair board.

10 10. *Entities representing agricultural producers.* To control
11 the financial operations of the Iowa dairy industry commission
12 as provided in chapter 179, the Iowa beef cattle producers
13 association as provided in chapter 181, the Iowa pork producers
14 council as provided in chapter 183A, the Iowa egg council as
15 provided in chapter 184, the Iowa turkey marketing council
16 as provided in chapter 184A, the Iowa soybean association as
17 provided in chapter 185, and the Iowa corn promotion board as
18 provided in chapter 185C.

19 11. *Custody of records.* To have the custody of all books,
20 papers, records, documents, vouchers, conveyances, leases,
21 mortgages, bonds, and other securities appertaining to the
22 fiscal affairs and property of the state, which are not
23 required to be kept in some other office.

24 12. *Interest of the permanent school fund.* To transfer the
25 interest of the permanent school fund to the credit of the
26 interest for Iowa schools fund.

27 13. *Forms.* To prescribe all accounting and business
28 forms and the system of accounts and reports of financial
29 transactions by all departments and agencies of the state
30 government other than those of the legislative branch.

31 14. *Federal cash management and improvement act*
32 *administrator.*

33 *a.* To serve as administrator for state actions relating to
34 the federal Cash Management and Improvement Act of 1990, Pub.
35 L. No. 101=453, as codified in 31 U.S.C. § 6503. The director

1 shall perform the following duties relating to the federal law:

2 (1) Act as the designated representative of the state in the
3 negotiation and administration of contracts between the state
4 and federal government relating to the federal law.

5 (2) Modify the centralized statewide accounting system
6 and develop, or require to be developed by the appropriate
7 departments of state government, the reports and procedures
8 necessary to complete the managerial and financial reports
9 required to comply with the federal law.

10 b. There is annually appropriated from the general fund
11 of the state to the department an amount sufficient to pay
12 interest costs that may be due the federal government as a
13 result of implementation of the federal law. This paragraph
14 does not authorize the payment of interest from the general
15 fund of the state for any department of administrative
16 services' revolving, trust, or special fund of the department
17 of administrative services where monthly interest earnings
18 accrue to the credit of the department of administrative
19 services' revolving, trust, or special fund. For any
20 department of administrative services' revolving, trust, or
21 special fund where monthly interest is accrued to the credit of
22 the fund, the director may authorize a supplemental expenditure
23 to pay interest costs from the individual fund which are due
24 the federal government as a result of implementation of the
25 federal law.

26 Sec. 174. NEW SECTION. 8.73 Rules — deposit of
27 departmental moneys.

28 The director shall prescribe by rule the manner and methods
29 by which all departments and agencies of the state that
30 collect money for and on behalf of the state shall cause the
31 money to be deposited with the treasurer of state or in a
32 depository designated by the treasurer of state. All such
33 moneys collected shall be deposited at such times and in such
34 depositories to permit the state of Iowa to deposit the funds
35 in a manner consistent with the state's investment policies.

1 All such moneys shall be promptly deposited, as directed, even
2 though the individual amount remitted may not be correct. If
3 any individual amount remitted is in excess of the amount
4 required, the department or agency receiving the same shall
5 refund the excess amount. If the individual amount remitted is
6 insufficient, the person, firm, or corporation concerned shall
7 be immediately billed for the amount of the deficiency.

8 Sec. 175. NEW SECTION. 8.74 **Setoff procedures.**

9 1. *Definitions.* As used in this section, unless the context
10 otherwise requires:

11 a. "*Collection entity*" means the department of management
12 and any other state agency that maintains a separate accounting
13 system and elects to establish a debt collection setoff
14 procedure for collection of debts owed to the state or its
15 agencies.

16 b. "*Person*" does not include a state agency.

17 c. "*Qualifying debt*" includes but is not limited to the
18 following:

19 (1) Any debt, which is assigned to the department of human
20 services, or which the child support recovery unit is otherwise
21 attempting to collect, or which the foster care recovery unit
22 of the department of human services is attempting to collect
23 on behalf of a child receiving foster care provided by the
24 department of human services.

25 (2) An amount that is due because of a default on a
26 guaranteed student or parental loan under chapter 261.

27 (3) Any debt which is in the form of a liquidated sum due,
28 owing, and payable to the clerk of the district court.

29 d. "*State agency*" means a board, commission, department,
30 including the department of administrative services, or other
31 administrative office or unit of the state of Iowa or any
32 other state entity reported in the Iowa comprehensive annual
33 financial report, or a political subdivision of the state, or
34 an office or unit of a political subdivision. "*State agency*"
35 does include the clerk of the district court as it relates to

1 the collection of a qualifying debt. "*State agency*" does not
2 include the general assembly or the governor.

3 2. *Setoff procedure.* The collection entity shall establish
4 and maintain a procedure to set off against any claim owed to
5 a person by a state agency any liability of that person owed
6 to a state agency, a support debt being enforced by the child
7 support recovery unit pursuant to chapter 252B, or such other
8 qualifying debt. The procedure shall only apply when at the
9 discretion of the director it is feasible. The procedure shall
10 meet the following conditions:

11 a. Before setoff, a person's liability to a state agency and
12 the person's claim on a state agency shall be in the form of a
13 liquidated sum due, owing, and payable.

14 b. Before setoff, the state agency shall obtain and forward
15 to the collection entity the full name and social security
16 number of the person liable to it or to whom a claim is owing
17 who is a natural person. If the person is not a natural person,
18 before setoff, the state agency shall forward to the collection
19 entity the information concerning the person as the collection
20 entity shall, by rule, require. The collection entity
21 shall cooperate with other state agencies in the exchange of
22 information relevant to the identification of persons liable
23 to or of claimants of state agencies. However, the collection
24 entity shall provide only relevant information required by a
25 state agency. The information shall be held in confidence
26 and used for the purpose of setoff only. Section 422.72,
27 subsection 1, does not apply to this paragraph.

28 c. Before setoff, a state agency shall, at least annually,
29 submit to the collection entity the information required
30 by paragraph "b" along with the amount of each person's
31 liability to and the amount of each claim on the state agency.
32 The collection entity may, by rule, require more frequent
33 submissions.

34 d. Before setoff, the amount of a person's claim on a state
35 agency and the amount of a person's liability to a state agency

1 shall constitute a minimum amount set by rule of the collection
2 entity.

3 *e.* Upon submission of an allegation of liability by a state
4 agency, the collection entity shall notify the state agency
5 whether the person allegedly liable is entitled to payment from
6 a state agency, and, if so entitled, shall notify the state
7 agency of the amount of the person's entitlement and of the
8 person's last address known to the collection entity. Section
9 422.72, subsection 1, does not apply to this paragraph.

10 *f.* (1) Upon notice of entitlement to a payment, the state
11 agency shall send written notification to that person of the
12 state agency's assertion of its rights to all or a portion of
13 the payment and of the state agency's entitlement to recover
14 the liability through the setoff procedure, the basis of
15 the assertion, the opportunity to request that a jointly or
16 commonly owned right to payment be divided among owners, and
17 the person's opportunity to give written notice of intent
18 to contest the amount of the allegation. The state agency
19 shall send a copy of the notice to the collection entity. A
20 state agency subject to chapter 17A shall give notice, conduct
21 hearings, and allow appeals in conformity with chapter 17A.

22 (2) However, upon submission of an allegation of the
23 liability of a person which is owing and payable to the
24 clerk of the district court and upon the determination by
25 the collection entity that the person allegedly liable is
26 entitled to payment from a state agency, the collection entity
27 shall send written notification to the person which states the
28 assertion by the clerk of the district court of rights to all
29 or a portion of the payment, the clerk's entitlement to recover
30 the liability through the setoff procedure, the basis of the
31 assertions, the person's opportunity to request within fifteen
32 days of the mailing of the notice that the collection entity
33 divide a jointly or commonly owned right to payment between
34 owners, the opportunity to contest the liability to the clerk
35 by written application to the clerk within fifteen days of the

1 mailing of the notice, and the person's opportunity to contest
2 the collection entity's setoff procedure.

3 *g.* Upon the timely request of a person liable to a state
4 agency or of the spouse of that person and upon receipt of the
5 full name and social security number of the person's spouse,
6 a state agency shall notify the collection entity of the
7 request to divide a jointly or commonly owned right to payment.
8 Any jointly or commonly owned right to payment is rebuttably
9 presumed to be owned in equal portions by its joint or common
10 owners.

11 *h.* The collection entity shall, after the state agency has
12 sent notice to the person liable or, if the liability is owing
13 and payable to the clerk of the district court, the collection
14 entity has sent notice to the person liable, set off the amount
15 owed to the agency against any amount which a state agency owes
16 that person. The collection entity shall refund any balance
17 of the amount to the person. The collection entity shall
18 periodically transfer amounts set off to the state agencies
19 entitled to them. If a person liable to a state agency gives
20 written notice of intent to contest an allegation, a state
21 agency shall hold a refund or rebate until final disposition
22 of the allegation. Upon completion of the setoff, a state
23 agency shall notify in writing the person who was liable or,
24 if the liability is owing and payable to the clerk of the
25 district court, shall comply with the procedures as provided
26 in paragraph "j".

27 *i.* The department of revenue's existing right to credit
28 against tax due or to become due under section 422.73 is not to
29 be impaired by a right granted to or a duty imposed upon the
30 collection entity or other state agency by this section. This
31 section is not intended to impose upon the collection entity or
32 the department of revenue any additional requirement of notice,
33 hearing, or appeal concerning the right to credit against tax
34 due under section 422.73.

35 *j.* If the alleged liability is owing and payable to the

1 clerk of the district court and setoff as provided in this
2 section is sought, all of the following shall apply:

3 (1) The judicial branch shall prescribe procedures to
4 permit a person to contest the amount of the person's liability
5 to the clerk of the district court.

6 (2) The collection entity shall, except for the procedures
7 described in subparagraph (1), prescribe any other applicable
8 procedures concerning setoff as provided in this subsection.

9 (3) Upon completion of the setoff, the collection entity
10 shall file, at least monthly, with the clerk of the district
11 court a notice of satisfaction of each obligation to the
12 full extent of all moneys collected in satisfaction of the
13 obligation. The clerk shall record the notice and enter a
14 satisfaction for the amounts collected and a separate written
15 notice is not required.

16 3. *Priority claims.* In the case of multiple claims to
17 payments filed under this section, priority shall be given to
18 claims filed by the child support recovery unit or the foster
19 care recovery unit, next priority shall be given to claims
20 filed by the college student aid commission, next priority
21 shall be given to claims filed by the investigations division
22 of the department of inspections and appeals, next priority
23 shall be given to claims filed by a clerk of the district
24 court, and last priority shall be given to claims filed by
25 other state agencies. In the case of multiple claims in which
26 the priority is not otherwise provided by this subsection,
27 priority shall be determined in accordance with rules to be
28 established by the director.

29 4. *State reciprocal agreements.* The director shall have
30 the authority to enter into reciprocal agreements with the
31 departments of revenue of other states that have enacted
32 legislation that is substantially equivalent to the setoff
33 procedure provided in this section for the recovery of an
34 amount due because of a default on a guaranteed student or
35 parental loan under chapter 261. A reciprocal agreement shall

1 also be approved by the college student aid commission. The
 2 agreement shall authorize the department to provide by rule for
 3 the setoff of state income tax refunds or rebates of defaulters
 4 from states with which Iowa has a reciprocal agreement and to
 5 provide for sending lists of names of Iowa defaulters to the
 6 states with which Iowa has a reciprocal agreement for setoff of
 7 that state's income tax refunds.

8 5. *Agency reimbursements.* Under substantive rules
 9 established by the director, the department shall seek
 10 reimbursement from other state agencies to recover its costs
 11 for setting off liabilities.

12 Sec. 176. NEW SECTION. 8.75 **Cost allocation system —**
 13 **appropriation.**

14 The department shall develop and administer an indirect
 15 cost allocation system for state agencies. The system shall
 16 be based upon standard cost accounting methodologies and shall
 17 be used to allocate both direct and indirect costs of state
 18 agencies or state agency functions in providing centralized
 19 services to other state agencies. A cost that is allocated to
 20 a state agency pursuant to this system shall be billed to the
 21 state agency and the cost is payable to the general fund of the
 22 state. The source of payment for the billed cost shall be any
 23 revenue source except for the general fund of the state. If a
 24 state agency is authorized by law to bill and recover direct
 25 expenses, the state agency shall recover indirect costs in the
 26 same manner.

27 Sec. 177. NEW SECTION. 8.76 **Accounting.**

28 The director may at any time require any person receiving
 29 money, securities, or property belonging to the state, or
 30 having the management, disbursement, or other disposition of
 31 them, an account of which is kept in the department, to render
 32 statements of them and information in reference to them.

33 Sec. 178. NEW SECTION. 8.77 **Stating account.**

34 If an officer who is accountable to the state treasury for
 35 any money or property neglects to render an account to the

1 director within the time prescribed by law, or if no time is so
2 prescribed, within twenty days after being required to do so by
3 the director, the director shall state an account against the
4 officer from the books of the officer's office, charging ten
5 percent damages on the whole sum appearing due, and interest
6 at the rate of six percent per annum on the aggregate from the
7 time when the account should have been rendered; all of which
8 may be recovered by action brought on the account, or on the
9 official bond of the officer.

10 Sec. 179. NEW SECTION. 8.78 **Compelling payment.**

11 If an officer fails to pay into the state treasury the amount
12 received by the officer within the time prescribed by law, or
13 having settled with the director, fails to pay the amount found
14 due, the director shall charge the officer with twenty percent
15 damages on the amount due, with interest on the aggregate from
16 the time the amount became due at the rate of six percent per
17 annum, and the whole may be recovered by an action brought on
18 the account, or on the official bond of the officer, and the
19 officer shall forfeit the officer's commission.

20 Sec. 180. NEW SECTION. 8.79 **Defense to claim.**

21 The penal provisions in sections 8.77 and 8.78 are subject
22 to any legal defense which the officer may have against the
23 account as stated by the director, but judgment for costs shall
24 be rendered against the officer in the action, whatever its
25 result, unless the officer rendered an account within the time
26 named in those sections.

27 Sec. 181. NEW SECTION. 8.80 **Requested credits — oath**
28 **required.**

29 When a county treasurer or other receiver of public moneys
30 seeks to obtain credit on the books of the department for
31 payment made to the county treasurer, before giving such credit
32 the director shall require that person to take and subscribe an
33 oath that the person has not used, loaned, or appropriated any
34 of the public moneys for the person's private benefit or for
35 the benefit of any other person.

1 Sec. 182. NEW SECTION. **8.81 Requisition for information.**

2 In those cases where the director is authorized to call
3 upon persons or officers for information, or statements,
4 or accounts, the director may issue a requisition therefor
5 in writing to the person or officer called upon, allowing
6 reasonable time, which, having been served and return made to
7 the director, as a notice in a civil action, is evidence of the
8 making of the requisition.

9 Sec. 183. NEW SECTION. **8.82 Limits on claims.**

10 The director is limited in authorizing the payment of
11 claims, as follows:

12 1. *Funding limit.*

13 a. A claim shall not be allowed by the department if the
14 appropriation or fund of certification available for paying the
15 claim has been exhausted or proves insufficient.

16 b. The authority of the director is subject to the following
17 exceptions:

18 (1) Claims by state employees for benefits pursuant to
19 chapters 85, 85A, 85B, and 86 are subject to limitations
20 provided in those chapters.

21 (2) Claims for medical assistance payments authorized under
22 chapter 249A are subject to the time limits imposed by rule
23 adopted by the department of human services.

24 (3) Claims approved by an agency according to the provisions
25 of section 25.2.

26 2. *Convention expenses.* Claims for expenses in attending
27 conventions, meetings, conferences, or gatherings of members
28 of an association or society organized and existing as a
29 quasi-public association or society outside the state of Iowa
30 shall not be allowed at public expense, unless authorized by
31 the executive council; and claims for these expenses outside
32 of the state shall not be allowed unless the voucher is
33 accompanied by the portion of the minutes of the executive
34 council, certified to by its secretary, showing that the
35 expense was authorized by the council. This section does not

1 apply to claims in favor of the governor, attorney general,
2 utilities board members, or to trips referred to in sections
3 97B.7A and 217.20.

4 3. *Payment from fees.* Claims for per diem and expenses
5 payable from fees shall not be approved for payment in excess
6 of those fees if the law provides that such expenditures are
7 limited to the special funds collected and deposited in the
8 state treasury.

9 Sec. 184. NEW SECTION. **8.83 Claims — approval.**

10 The director before approving a claim on behalf of the
11 department shall determine:

12 1. That the creation of the claim is clearly authorized by
13 law. Statutes authorizing the expenditure may be referenced
14 through account coding authorized by the director.

15 2. That the claim has been authorized by an officer or
16 official body having legal authority to so authorize and that
17 the fact of authorization has been certified to the director by
18 such officer or official body.

19 3. That all legal requirements have been observed,
20 including notice and opportunity for competition, if required
21 by law.

22 4. That the claim is in proper form as the director may
23 provide.

24 5. That the charges are reasonable, proper, and correct and
25 no part of the claim has been paid.

26 Sec. 185. NEW SECTION. **8.84 Vouchers — interest — payment**
27 **of claims.**

28 1. Before a warrant or its equivalent is issued for
29 a claim payable from the state treasury, the department
30 shall file an itemized voucher showing in detail the items
31 of service, expense, item furnished, or contract for which
32 payment is sought. However, the director may authorize the
33 prepayment of claims when the best interests of the state are
34 served under rules adopted by the director. The claimant's
35 original invoice shall be attached to a department's approved

1 voucher. The director shall adopt rules specifying the
2 form and contents for invoices submitted by a vendor to a
3 department. The requirements apply to acceptance of an invoice
4 by a department. A department shall not impose additional or
5 different requirements on submission of invoices than those
6 contained in rules of the director unless the director exempts
7 the department from the invoice requirements or a part of the
8 requirements upon a finding that compliance would result in
9 poor accounting or management practices.

10 2. Vouchers for postage, stamped envelopes, and postal
11 cards may be audited as soon as an order for them is entered.

12 3. The departments, the general assembly, and the courts
13 shall pay their claims in a timely manner. If a claim
14 for services, supplies, materials, or a contract which is
15 payable from the state treasury remains unpaid after sixty
16 days following the receipt of the claim or the satisfactory
17 delivery, furnishing, or performance of the services, supplies,
18 materials, or contract, whichever date is later, the state
19 shall pay interest at the rate of one percent per month on
20 the unpaid amount of the claim. This subsection does not
21 apply to claims against the state under chapters 25 and 669
22 or to claims paid by federal funds. The interest shall be
23 charged to the appropriation or fund to which the claim is
24 certified. Departments may enter into contracts for goods or
25 services on payment terms of less than sixty days if the state
26 may obtain a financial benefit or incentive which would not
27 otherwise be available from the vendor. The department, in
28 consultation with other affected departments, shall develop
29 policies to promote consistency and fiscal responsibility
30 relating to payment terms authorized under this subsection.
31 The director shall adopt rules under chapter 17A relating to
32 the administration of this subsection.

33 Sec. 186. NEW SECTION. 8.85 Warrants — form.

34 A warrant shall bear on its face the signature of the
35 director or its facsimile, or the signature of an assistant

1 or its facsimile in case of a vacancy in the office of the
 2 director; a proper number, date, amount, and name of payee;
 3 a reference to the law under which it is drawn; whether for
 4 salaries or wages, services, or supplies, and what kind of
 5 supplies; and from what office or department, or for what
 6 other general or special purposes; or in lieu thereof, a
 7 coding system may be used, which particulars shall be entered
 8 in a warrant register kept for that purpose in the order of
 9 issuance; and as soon as practicable after issuing a warrant
 10 register, the director shall certify a duplicate of it to the
 11 treasurer of state.

12 Sec. 187. NEW SECTION. **8.86 Required payee.**

13 All warrants shall be drawn to the order of the person
 14 entitled to payment or compensation, except that when goods
 15 or materials are purchased in foreign countries, warrants may
 16 be drawn upon the treasurer of state, payable to the bearer
 17 for the net amount of invoice and current exchange, and the
 18 treasurer of state shall furnish a foreign draft payable to the
 19 order of the person from whom purchase is made.

20 Sec. 188. NEW SECTION. **8.87 Prohibited payee.**

21 In no case shall warrants be drawn in the name of the
 22 certifying office, department, board, or institution, or in
 23 the name of an employee, except for personal service rendered
 24 or expense incurred by the employee, unless express statutory
 25 authority exists therefor.

26 Sec. 189. NEW SECTION. **8.88 Claims exceeding**
 27 **appropriations.**

28 A claim shall not be allowed when the claim will exceed the
 29 amount specifically appropriated for the claim.

30 Sec. 190. NEW SECTION. **8.89 Cancellation of state warrants.**

31 On the last business day of each month, the director shall
 32 cancel and request the treasurer of state to stop payment on
 33 all state warrants which have been outstanding and unredeemed
 34 by the treasurer of state for six months or longer.

1 Sec. 191. Section 8.9, subsection 1, Code Supplement 2009,
2 is amended to read as follows:

3 1. The office of grants enterprise management is
4 established in the department of management. The function of
5 the office is to develop and administer a system to track,
6 identify, advocate for, and coordinate nonstate grants as
7 defined in section 8.2, subsections 1 and 3. Staffing for
8 the office of grants enterprise management shall be provided
9 by a facilitator appointed by the director of the department
10 of management. Additional staff may be hired, subject to the
11 availability of funding. Funding for the office is from the
12 appropriation to the department ~~pursuant to section 8A.505,~~
13 ~~subsection 2.~~

14 Sec. 192. Section 8.31, subsection 4, Code 2009, is amended
15 to read as follows:

16 4. The procedure to be employed in controlling the
17 expenditures and receipts of the state fair board and
18 the institutions under the state board of regents, whose
19 collections are not deposited in the state treasury, is that
20 outlined in section ~~8A.502~~ 8.72, subsection 9.

21 Sec. 193. Section 8A.102, subsection 2, Code 2009, is
22 amended to read as follows:

23 2. The person appointed as director shall be professionally
24 qualified by education and have no less than five years'
25 experience in the field of management, public or private sector
26 personnel administration including the application of merit
27 principles in employment, ~~financial management,~~ and policy
28 development and implementation. The appointment shall be made
29 without regard for political affiliation. The director shall
30 not be a member of any local, state, or national committee
31 of a political party, an officer or member of a committee in
32 any partisan political club or organization, or hold or be a
33 candidate for a paid elective public office. The director is
34 subject to the restrictions on political activity provided
35 in section 8A.416. The governor shall set the salary of the

1 director within pay grade nine.

2 Sec. 194. Section 8A.103, unnumbered paragraph 1, Code
3 2009, is amended to read as follows:

4 The department is created for the purpose of managing and
5 coordinating the major resources of state government including
6 the human, ~~financial~~, physical, and information resources of
7 state government.

8 Sec. 195. Section 8A.104, subsection 12, Code 2009, is
9 amended to read as follows:

10 12. Serve as the chief information officer for the
11 state. However, the director may designate a person in the
12 department to serve in this capacity at the discretion of
13 the director. If the director designates a person to serve
14 as chief information officer, the person designated shall be
15 professionally qualified by education and have no less than
16 five years' experience in the ~~fields~~ field of information
17 technology ~~and financial management~~.

18 Sec. 196. Section 8A.111, subsection 11, Code 2009, is
19 amended by striking the subsection.

20 Sec. 197. Section 8A.204, subsection 3, paragraph b, Code
21 2009, is amended to read as follows:

22 *b.* Work with the department of management ~~and the state~~
23 ~~accounting enterprise of the department, pursuant to section~~
24 ~~8A.502~~, to maintain the relevancy of the central budget and
25 proprietary control accounts of the general fund of the state
26 and special funds to information technology, as those terms are
27 defined in section 8.2, of state government.

28 Sec. 198. Section 8A.323, subsection 5, Code 2009, is
29 amended to read as follows:

30 5. Any fine that remains unpaid upon becoming delinquent
31 may be collected by the department pursuant to the setoff
32 procedures provided for in section ~~8A.504~~ 8.74. For purposes
33 of this subsection, a fine becomes delinquent if it has not
34 been paid within thirty days of the date of the issuance of the
35 parking citation, unless a written request for a hearing is

1 filed as provided pursuant to the rules of the department. If
2 an appeal is filed and the citation is upheld, the fine becomes
3 delinquent ten days after the issuance of the final decision on
4 the appeal or thirty-one days after the date of the issuance of
5 the parking citation, whichever is later.

6 Sec. 199. Section 11.2, subsection 1, paragraph b, Code
7 2009, is amended to read as follows:

8 *b.* Provided further, that a preliminary audit of the
9 educational institutions and the state fair board shall be made
10 periodically, at least quarterly, to check the monthly reports
11 submitted to the director of the department of administrative
12 services as required by section ~~8A.502~~ 8.72, subsection 9, and
13 that a final audit of such state agencies shall be made at the
14 close of each fiscal year.

15 Sec. 200. Section 25.2, subsection 5, Code 2009, is amended
16 to read as follows:

17 5. Outstanding state warrants that have been canceled
18 pursuant to section ~~8A.519~~ 8.89 and were charged to the general
19 fund of the state or another state funding source shall be
20 addressed as provided in section 556.2C.

21 Sec. 201. Section 96.11, subsection 16, Code 2009, is
22 amended to read as follows:

23 16. *Reimbursement of setoff costs.* The department shall
24 include in the amount set off in accordance with section
25 ~~8A.504~~ 8.74, for the collection of an overpayment created
26 pursuant to section 96.3, subsection 7, or section 96.16,
27 subsection 4, an additional amount for the reimbursement of
28 setoff costs incurred by the department of administrative
29 services.

30 Sec. 202. Section 97B.7A, subsection 5, Code 2009, is
31 amended to read as follows:

32 5. *Travel.* In the administration of the investment of
33 moneys in the retirement fund, employees of the system and
34 members of the board may travel outside the state for the
35 purpose of meeting with investment firms and consultants and

1 attending conferences and meetings to fulfill their fiduciary
2 responsibilities. This travel is not subject to section
3 ~~8A.512~~ 8.82, subsection 2.

4 Sec. 203. Section 99D.2, subsection 3, Code 2009, is amended
5 to read as follows:

6 3. "*Claimant agency*" means a state agency as defined
7 in section ~~8A.504~~ 8.74, subsection 1, or the state court
8 administrator as defined in section 602.1101.

9 Sec. 204. Section 99D.28, subsection 2, Code 2009, is
10 amended to read as follows:

11 2. The licensee is authorized and directed to withhold
12 any winnings of a debtor which are paid out directly by the
13 licensee subject to the lien created by this section and
14 provide notice of such withholding to the winner when the
15 winner appears and claims winnings in person. The licensee
16 shall pay the funds over to the collection entity which
17 administers the setoff program pursuant to section ~~8A.504~~ 8.74.

18 Sec. 205. Section 99F.1, subsection 4, Code 2009, is amended
19 to read as follows:

20 4. "*Claimant agency*" means a state agency as defined
21 in section ~~8A.504~~ 8.74, subsection 1, or the state court
22 administrator as defined in section 602.1101.

23 Sec. 206. Section 99F.19, subsection 2, Code 2009, is
24 amended to read as follows:

25 2. The licensee is authorized and directed to withhold
26 any winnings of a debtor which are paid out directly by the
27 licensee subject to the lien created by this section and
28 provide notice of such withholding to the winner when the
29 winner appears and claims winnings in person. The licensee
30 shall pay the funds over to the collection entity which
31 administers the setoff program pursuant to section ~~8A.504~~ 8.74.

32 Sec. 207. Section 99G.38, subsection 3, Code 2009, is
33 amended to read as follows:

34 3. The state of Iowa offset program, as provided in section
35 ~~8A.504~~ 8.74, shall be available to the authority to facilitate

1 receipt of funds owed to the authority.

2 Sec. 208. Section 217.34, Code 2009, is amended to read as
3 follows:

4 **217.34 Debt setoff.**

5 The investigations division of the department of inspections
6 and appeals and the department of human services shall provide
7 assistance to set off against a person's or provider's income
8 tax refund or rebate any debt which has accrued through written
9 contract, subrogation, departmental recoupment procedures,
10 or court judgment and which is in the form of a liquidated
11 sum due and owing the department of human services. The
12 department of inspections and appeals, with approval of the
13 department of human services, shall adopt rules under chapter
14 17A necessary to assist the department of ~~administrative~~
15 ~~services management~~ in the implementation of the setoff under
16 section ~~8A.504~~ 8.74 in regard to money owed to the state
17 for public assistance overpayments. The department of human
18 services shall adopt rules under chapter 17A necessary to
19 assist the department of ~~administrative services~~ management in
20 the implementation of the setoff under section ~~8A.504~~ 8.74, in
21 regard to collections by the child support recovery unit and
22 the foster care recovery unit.

23 Sec. 209. Section 218.58, subsection 5, Code 2009, is
24 amended to read as follows:

25 5. A claim for payment relating to a project shall be
26 itemized on a voucher form pursuant to section ~~8A.514~~ 8.84,
27 certified by the claimant and the architect or engineer
28 in charge, and audited and approved by the department of
29 ~~administrative services~~ management. Upon approval by the
30 department of ~~administrative services~~ management, the director
31 of the department of ~~administrative services~~ management shall
32 draw a warrant to be paid by the treasurer of state from funds
33 appropriated for the project. A partial payment made before
34 completion of the project does not constitute final acceptance
35 of the work or a waiver of any defect in the work.

1 Sec. 210. Section 218.85, Code 2009, is amended to read as
2 follows:

3 **218.85 Uniform system of accounts.**

4 The director of human services through the administrators
5 in control of the institutions shall install in all the
6 institutions the most modern, complete, and uniform system of
7 accounts, records, and reports possible. The system shall be
8 prescribed by the director of the department of ~~administrative~~
9 ~~services management~~ as authorized in section ~~8A.502~~ 8.72,
10 subsection 13, and, among other matters, shall clearly show
11 the detailed facts relative to the handling and uses of all
12 purchases.

13 Sec. 211. Section 234.8, Code 2009, is amended to read as
14 follows:

15 **234.8 Fees for child welfare services.**

16 The department of human services may charge a fee for
17 child welfare services to a person liable for the cost of the
18 services. The fee shall not exceed the reasonable cost of the
19 services. The fee shall be based upon the person's ability
20 to pay and consideration of the fee's impact upon the liable
21 person's family and the goals identified in the case permanency
22 plan. The department may assess the liable person for the fee
23 and the means of recovery shall include a setoff against an
24 amount owed by a state agency to the person assessed pursuant
25 to section ~~8A.504~~ 8.74. In addition the department may
26 establish an administrative process to recover the assessment
27 through automatic income withholding. The department shall
28 adopt rules pursuant to chapter 17A to implement the provisions
29 of this section. This section does not apply to court-ordered
30 services provided to juveniles which are a charge upon the
31 state pursuant to section 232.141 and services for which the
32 department has established a support obligation pursuant to
33 section 234.39.

34 Sec. 212. Section 252B.5, subsection 4, Code Supplement
35 2009, is amended to read as follows:

1 4. Assistance to set off against a debtor's income tax
 2 refund or rebate any support debt, which is assigned to
 3 the department of human services or which the child support
 4 recovery unit is attempting to collect on behalf of any
 5 individual not eligible as a public assistance recipient, which
 6 has accrued through written contract, subrogation, or court
 7 judgment, and which is in the form of a liquidated sum due
 8 and owing for the care, support, or maintenance of a child.
 9 Unless the periodic payment plan provisions for a retroactive
 10 modification pursuant to section 598.21C apply, the entire
 11 amount of a judgment for accrued support, notwithstanding
 12 compliance with a periodic payment plan or regardless of the
 13 date of entry of the judgment, is due and owing as of the date
 14 of entry of the judgment and is delinquent for the purposes of
 15 setoff, including for setoff against a debtor's federal income
 16 tax refund or other federal nontax payment. The department
 17 of human services shall adopt rules pursuant to chapter
 18 17A necessary to assist the department of ~~administrative~~
 19 ~~services~~ management in the implementation of the child support
 20 setoff as established under section ~~8A.504~~ 8.74.

21 Sec. 213. Section 261.37, subsection 7, Code 2009, is
 22 amended to read as follows:

23 7. To establish an effective system for the collection of
 24 delinquent loans, including the adoption of an agreement with
 25 the department of ~~administrative services~~ management to set off
 26 against a defaulter's income tax refund or rebate the amount
 27 that is due because of a default on a guaranteed or parental
 28 loan made under this division. The commission shall adopt
 29 rules under chapter 17A necessary to assist the department of
 30 ~~administrative services~~ management in the implementation of
 31 the student loan setoff program as established under section
 32 ~~8A.504~~ 8.74. The commission shall apply administrative wage
 33 garnishment procedures authorized under the federal Higher
 34 Education Act of 1965, as amended and codified in 20 U.S.C.
 35 § 1071 et seq., for all delinquent loans, including loans

1 authorized under section 261.38, when a defaulter who is
2 financially capable of paying fails to voluntarily enter into a
3 reasonable payment agreement. In no case shall the commission
4 garnish more than the amount authorized by federal law for
5 all loans being collected by the commission, including those
6 authorized under section 261.38.

7 Sec. 214. Section 321.11A, subsection 1, paragraph c, Code
8 2009, is amended to read as follows:

9 c. The department of ~~administrative services~~ management for
10 the purpose of administering the setoff program pursuant to
11 section ~~8A.504~~ 8.74.

12 Sec. 215. Section 321.31, subsection 1, unnumbered
13 paragraph 3, Code 2009, is amended to read as follows:

14 The director shall maintain a records system of delinquent
15 accounts owed to the state using information provided through
16 the computerized data bank established in section 421.17. The
17 department and county treasurers shall use the information
18 maintained in the records system to determine if applicants
19 for renewal of registration have delinquent accounts, charges,
20 fees, loans, taxes, or other indebtedness owed to or being
21 collected by the state as provided pursuant to section
22 ~~8A.504~~ 8.74. The director, the director of the department of
23 ~~administrative services~~ management, and the director of revenue
24 shall establish procedures for updating the delinquent accounts
25 records to add and remove accounts, as applicable.

26 Sec. 216. Section 321.40, subsection 6, Code Supplement
27 2009, is amended to read as follows:

28 6. The department or the county treasurer shall refuse to
29 renew the registration of a vehicle registered to the applicant
30 if the department or the county treasurer knows that the
31 applicant has a delinquent account, charge, fee, loan, taxes,
32 or other indebtedness owed to or being collected by the state,
33 from information provided pursuant to sections ~~8A.504~~ 8.74 and
34 421.17. An applicant may contest this action by requesting a
35 contested case proceeding from the agency that referred the

1 debt for collection pursuant to section ~~8A.504~~ 8.74.

2 Sec. 217. Section 331.552, subsection 5, Code 2009, is
3 amended to read as follows:

4 5. Account for, report, and pay into the state treasury any
5 money, property, or securities received on behalf of the state
6 as provided in sections ~~8A.506 to 8A.508~~ 8.76 to 8.78.

7 Sec. 218. Section 422.12D, subsection 4, Code 2009, is
8 amended to read as follows:

9 4. The department shall adopt rules to implement this
10 section. However, before a checkoff pursuant to this section
11 shall be permitted, all liabilities on the books of the
12 department of ~~administrative services management~~ and accounts
13 identified as owing under section ~~8A.504~~ 8.74 and the political
14 contribution allowed under section 68A.601 shall be satisfied.

15 Sec. 219. Section 422.12K, subsection 2, Code Supplement
16 2009, is amended to read as follows:

17 2. The director of revenue shall draft the income tax form
18 to allow the designation of contributions to the child abuse
19 prevention program fund on the tax return. The department of
20 revenue, on or before January 31, shall transfer the total
21 amount designated on the tax return forms due in the preceding
22 calendar year to the child abuse prevention program fund.

23 However, before a checkoff pursuant to this section shall be
24 permitted, all liabilities on the books of the department of
25 ~~administrative services management~~ and accounts identified as
26 owing under section ~~8A.504~~ 8.74 and the political contribution
27 allowed under section 68A.601 shall be satisfied.

28 Sec. 220. Section 422.12L, subsection 2, Code 2009, is
29 amended to read as follows:

30 2. The director of revenue shall draft the income tax form
31 to allow the designation of contributions to the veterans trust
32 fund and to the volunteer fire fighter preparedness fund as
33 one checkoff on the tax return. The department of revenue,
34 on or before January 31, shall transfer one-half of the total
35 amount designated on the tax return forms due in the preceding

1 calendar year to the veterans trust fund and the remaining
2 one-half to the volunteer fire fighter preparedness fund.
3 However, before a checkoff pursuant to this section shall be
4 permitted, all liabilities on the books of the department of
5 ~~administrative services~~ management and accounts identified as
6 owing under section ~~8A.504~~ 8.74 and the political contribution
7 allowed under section 68A.601 shall be satisfied.

8 Sec. 221. Section 422.20, subsection 3, paragraph a, Code
9 2009, is amended to read as follows:

10 a. Unless otherwise expressly permitted by section
11 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
12 sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63,
13 and this section, a tax return, return information, or
14 investigative or audit information shall not be divulged to any
15 person or entity, other than the taxpayer, the department, or
16 internal revenue service for use in a matter unrelated to tax
17 administration.

18 Sec. 222. Section 422.72, subsection 3, paragraph a, Code
19 2009, is amended to read as follows:

20 a. Unless otherwise expressly permitted by section
21 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
22 sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63,
23 and this section, a tax return, return information, or
24 investigative or audit information shall not be divulged to any
25 person or entity, other than the taxpayer, the department, or
26 internal revenue service for use in a matter unrelated to tax
27 administration.

28 Sec. 223. Section 456A.16, unnumbered paragraph 7, Code
29 2009, is amended to read as follows:

30 The department shall adopt rules to implement this section.
31 However, before a checkoff pursuant to this section shall be
32 permitted, all liabilities on the books of the department of
33 ~~administrative services~~ management and accounts identified as
34 owing under section ~~8A.504~~ 8.74 and the political contribution
35 allowed under section 68A.601 shall be satisfied.

1 Sec. 224. Section 556.2C, subsection 1, paragraph a, Code
2 2009, is amended to read as follows:

3 a. An unpaid, outdated warrant that is canceled pursuant to
4 section ~~8A.519~~ 8.89 shall be included in a list of outstanding
5 state warrants maintained by the director of the department of
6 ~~administrative services~~ management. On or before July 1 of
7 each year, the director of the department of ~~administrative~~
8 ~~services~~ management shall provide the office of the treasurer
9 of state with a consolidated list of such outstanding warrants
10 that have not been previously reported to the office.

11 Sec. 225. Section 602.8102, subsection 58A, Code 2009, is
12 amended to read as follows:

13 58A. Assist the department of ~~administrative services~~
14 management in setting off against debtors' income tax refunds
15 or rebates under section ~~8A.504~~ 8.74, debts which are due,
16 owing, and payable to the clerk of the district court as
17 criminal fines, civil penalties, surcharges, or court costs.

18 Sec. 226. Section 602.8107, subsection 4, paragraph a, Code
19 Supplement 2009, is amended to read as follows:

20 a. This subsection does not apply to amounts collected for
21 victim restitution, the victim compensation fund, the criminal
22 penalty surcharge, sex offender civil penalty, drug abuse
23 resistance education surcharge, the law enforcement initiative
24 surcharge, county enforcement surcharge, amounts collected as
25 a result of procedures initiated under subsection 5 or under
26 section ~~8A.504~~ 8.74, or fees charged pursuant to section 356.7.

27 Sec. 227. Section 642.2, subsection 4, Code 2009, is amended
28 to read as follows:

29 4. Notwithstanding subsections 2, 3, 6, and 7, any
30 moneys owed to the child support obligor by the state, with
31 the exception of unclaimed property held by the treasurer
32 of state pursuant to chapter 556, and payments owed to the
33 child support obligor through the Iowa public employees'
34 retirement system are subject to garnishment, attachment,
35 execution, or assignment by the child support recovery unit

1 if the child support recovery unit is providing enforcement
 2 services pursuant to chapter 252B. Any moneys that are
 3 determined payable by the treasurer pursuant to section 556.20,
 4 subsection 2, to the child support obligor shall be subject to
 5 setoff pursuant to section ~~8A.504~~ 8.74, notwithstanding any
 6 administrative rule pertaining to the child support recovery
 7 unit limiting the amount of the offset.

8 Sec. 228. REPEAL. Sections 8A.502, 8A.503, 8A.504, 8A.506,
 9 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514,
 10 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are
 11 repealed.

12 Sec. 229. REPEAL. Section 8A.505, Code Supplement 2009, is
 13 repealed.

14 Sec. 230. DEPARTMENT OF MANAGEMENT — CENTRALIZED
 15 PAYROLL SYSTEM. The department of management shall examine
 16 the possibility of merging all state payroll systems into
 17 the centralized payroll system operated by the department.
 18 The department shall consult with those entities of state
 19 government not utilizing the centralized payroll system,
 20 including but not limited to the state department of
 21 transportation and the state board of regents, about strategies
 22 for encouraging utilization of the state's centralized payroll
 23 system and by identifying those barriers preventing merging of
 24 the payroll systems. The department shall provide information
 25 to the joint appropriations subcommittee on administration
 26 and regulation concerning efforts by the department to merge
 27 payroll systems and any recommendations for legislative action
 28 to encourage, or eliminate barriers to, the provision of
 29 payroll services by the department to other state agencies.

30 DIVISION XV

31 ADMINISTRATION AND REGULATION APPROPRIATIONS

32 Sec. 231. DEPARTMENT OF REVENUE — AUDITORS. There
 33 is appropriated from the general fund of the state to the
 34 department of revenue for the fiscal year beginning July 1,
 35 2010, and ending June 30, 2011, the following amount, or so

1 much thereof as is necessary, to be used for the purposes
2 designated:

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:

6	\$	325,000
7	FTEs	5.00

8 The moneys appropriated in this section shall be utilized by
9 the department to hire five additional auditors.

10 Sec. 232. DEPARTMENT OF MANAGEMENT — GRANTS ENTERPRISE
11 MANAGEMENT. There is appropriated from the general fund of
12 the state to the department of management for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the following
14 amount, or so much thereof as is necessary, to be used for the
15 purposes designated:

16 For the office of grants enterprise management, including
17 salaries, support, maintenance, miscellaneous purposes, and for
18 not more than the following full-time equivalent position:

19	\$	50,000
20	FTEs	1.00

21 The moneys appropriated in this section shall be used by
22 the department of management to create and fill an additional
23 position in the office of grants enterprise management.

24 DIVISION XVI

25 ELIMINATION OF STATE ENTITIES

26 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND
27 LAND STEWARDSHIP

28 Sec. 233. Section 159.20, subsection 1, paragraph j, Code
29 Supplement 2009, is amended to read as follows:

30 j. Assist the office of renewable fuels and coproducts
31 ~~and the renewable fuels and coproducts advisory committee~~ in
32 administering the provisions of chapter 159A.

33 Sec. 234. Section 159A.1, subsection 3, Code 2009, is
34 amended to read as follows:

35 3. This state adopts a policy of enhancing agricultural

1 production by encouraging the development and use of fuels and
2 coproducts derived from agricultural commodities, as provided
3 in this chapter, including rules adopted by the office of
4 renewable fuels and coproducts ~~and the renewable fuels and~~
5 ~~coproducts advisory committee.~~

6 Sec. 235. Section 159A.2, subsection 2, Code 2009, is
7 amended by striking the subsection.

8 Sec. 236. Section 159A.3, subsection 2, paragraph i, Code
9 Supplement 2009, is amended by striking the paragraph.

10 Sec. 237. Section 159A.6, Code Supplement 2009, is amended
11 to read as follows:

12 **159A.6 Education, promotion, and advertising.**

13 1. The office shall ~~support~~ do all of the following:

14 a. Support education regarding, and promotion and
15 advertising of, renewable fuels and coproducts. The office
16 shall consult with the Iowa corn growers association and the
17 Iowa soybean association.

18 ~~2. b. The office shall promote~~ Promote the advantages
19 related to the use of renewable fuels as an alternative to
20 nonrenewable fuels. Promotions shall be designed to inform the
21 ultimate consumer of advantages associated with using renewable
22 fuels, and emphasize the benefits to the natural environment.
23 The promotion shall inform consumers at the businesses of
24 retail dealers of motor vehicle fuels.

25 ~~3. c. The committee shall develop~~ Develop standards for
26 decals required pursuant to section 214A.16, which shall be
27 designed to promote the advantages of using renewable fuels.
28 The standards may be incorporated within a model decal adopted
29 ~~by the committee and approved~~ by the office.

30 ~~4. d. The office shall promote~~ Promote the advantages
31 related to the use of coproducts derived from the production
32 of renewable fuels, including the use of coproducts used as
33 livestock feed or meal. Promotions shall be designed to
34 inform the potential purchasers of the advantages associated
35 with using coproducts. The office shall promote advantages

1 associated with using coproducts of ethanol production as
2 livestock feed or meal to cattle producers in this state.

3 ~~5.~~ 2. The office may contract to provide all or part of
4 ~~these the~~ services described in subsection 1.

5 Sec. 238. Section 159A.7, subsection 2, Code Supplement
6 2009, is amended to read as follows:

7 2. Moneys in the fund shall be used only to carry out
8 the provisions of this section and sections 159A.3, ~~159A.4,~~
9 ~~159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

10 Sec. 239. Section 190C.1, subsection 2, Code 2009, is
11 amended by striking the subsection.

12 Sec. 240. Section 190C.2B, subsection 1, Code 2009, is
13 amended to read as follows:

14 1. The department shall implement and administer the
15 provisions of this chapter for agricultural products that have
16 been produced and handled within this state using organic
17 methods as provided in this chapter. ~~The department may~~
18 ~~consult with the council in implementing and administering this~~
19 ~~chapter.~~ The department may certify agricultural products that
20 have been produced and handled outside this state using an
21 organic method as provided in this chapter.

22 Sec. 241. Section 190C.3, subsection 2, Code 2009, is
23 amended to read as follows:

24 2. The department may request assistance from ~~the council~~
25 ~~as provided in section 190C.2A or from one or more regional~~
26 organic associations as provided in section 190C.6.

27 Sec. 242. Section 214A.1, subsection 7, Code 2009, is
28 amended by striking the subsection.

29 Sec. 243. Section 214A.1, Code 2009, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 17A. "*Office*" means the office of renewable
32 fuels and coproducts created pursuant to section 159A.3.

33 Sec. 244. Section 214A.2, subsection 1, Code Supplement
34 2009, is amended to read as follows:

35 1. The department shall adopt rules pursuant to chapter

1 17A for carrying out this chapter. The rules may include, but
 2 are not limited to, specifications relating to motor fuel,
 3 including but not limited to renewable fuel such as ethanol
 4 blended gasoline, biodiesel, biodiesel blended fuel, and
 5 motor fuel components such as an oxygenate. In the interest
 6 of uniformity, the department shall adopt by reference other
 7 specifications relating to tests and standards for motor fuel
 8 including renewable fuel and motor fuel components, established
 9 by the United States environmental protection agency and
 10 A.S.T.M. international. ~~In adopting standards for a renewable~~
 11 ~~fuel, the department shall consult with the committee.~~

12 Sec. 245. Section 422.11N, subsection 4, paragraph b,
 13 unnumbered paragraph 2, Code 2009, is amended to read as
 14 follows:

15 If the governor finds that exigent circumstances exist, the
 16 governor may reduce the applicable biofuel threshold percentage
 17 by replacing it with an adjusted biofuel threshold percentage.
 18 The governor shall consult with the department of revenue
 19 and the office of renewable fuels and coproducts advisory
 20 ~~committee established~~ pursuant to section ~~159A.4~~ 159A.3.
 21 The governor shall make the adjustment by giving notice of
 22 intent to issue a proclamation which shall take effect not
 23 earlier than thirty-five days after publication in the Iowa
 24 administrative bulletin of a notice to issue the proclamation.
 25 The governor shall provide a period of notice and comment in
 26 the same manner as provided in section 17A.4, subsection 1.
 27 The adjusted biofuel threshold percentage shall be effective
 28 for the following determination period.

29 Sec. 246. Section 469.3, subsection 2, paragraph m, Code
 30 Supplement 2009, is amended to read as follows:

31 *m.* Coordinate with other state agencies regarding
 32 implementation of the office of renewable fuels and coproducts
 33 pursuant to section 159A.3, ~~serve on the renewable fuels~~
 34 ~~and coproducts advisory committee,~~ and assist in providing
 35 technical assistance to new or existing renewable fuel

1 production facilities.

2 Sec. 247. REPEAL. Section 159A.4, Code Supplement 2009, is
3 repealed.

4 Sec. 248. REPEAL. Sections 159A.5, 190C.2, and 190C.2A,
5 Code 2009, are repealed.

6 DIVISION XVII

7 ELIMINATION OF STATE ENTITIES

8 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'

9 CONTROL OF THE NATURAL HABITAT

10 Sec. 249. Section 455A.8, subsection 1, paragraph a,
11 unnumbered paragraph 1, Code Supplement 2009, is amended to
12 read as follows:

13 The Brushy creek recreation trails advisory board shall
14 be organized within the department and shall be composed of
15 ~~nine~~ seven voting members and one ex officio nonvoting member
16 as follows:

17 Sec. 250. Section 455A.8, subsection 1, paragraph a,
18 subparagraph (3), Code Supplement 2009, is amended by striking
19 the subparagraph.

20 Sec. 251. Section 455A.8, subsection 1, paragraph a,
21 subparagraph (4), Code Supplement 2009, is amended to read as
22 follows:

23 (4) ~~Seven~~ Six persons appointed by the natural resource
24 commission.

25 Sec. 252. Section 455A.8, subsection 1, paragraph b, Code
26 Supplement 2009, is amended to read as follows:

27 b. The director shall provide the natural resource
28 commission with nominations of prospective board members.
29 Each person appointed by the natural resource commission must
30 actively participate in recreational trail activities such
31 as hiking, bicycling, an equestrian sport, or a winter sport
32 at the Brushy creek recreation area. The ~~nine~~ seven voting
33 members shall elect a chairperson at the board's first meeting
34 each year.

1 Sec. 253. Section 465C.1, subsection 2, Code 2009, is
2 amended by striking the subsection.

3 Sec. 254. Section 465C.1, subsection 4, Code 2009, is
4 amended to read as follows:

5 4. "*Dedication*" means the allocation of an area as a
6 preserve by a public agency or by a private owner by written
7 stipulation in a form approved by the ~~state advisory board for~~
8 ~~preserves~~ commission.

9 Sec. 255. Section 465C.2, Code 2009, is amended to read as
10 follows:

11 **465C.2 ~~Advisory board~~ State system of preserves created.**

12 There is hereby created a state system of preserves and a
13 ~~state advisory board for preserves~~.

14 Sec. 256. Section 465C.6, Code 2009, is amended to read as
15 follows:

16 **465C.6 Advisors.**

17 Representatives of such agencies, institutions, and
18 organizations as the ~~board~~ commission may determine may serve
19 as advisors to the ~~board~~ commission. Such advisors shall
20 receive no compensation for this function but at the discretion
21 of the ~~board~~ commission may be reimbursed for travel and
22 other necessary expenses in connection with the performance of
23 their duties.

24 Sec. 257. Section 465C.7, Code 2009, is amended to read as
25 follows:

26 **465C.7 Ecologist.**

27 The director shall employ, upon recommendation by the
28 ~~board~~ commission, at salaries fixed by the ~~board~~ commission, a
29 trained ecologist and other personnel as necessary to carry out
30 the powers and duties of the ~~board~~ commission.

31 Sec. 258. Section 465C.8, unnumbered paragraph 1, Code
32 2009, is amended to read as follows:

33 The ~~board~~ commission shall have the following powers and
34 duties:

1 Sec. 259. Section 465C.8, subsection 9, Code 2009, is
2 amended to read as follows:

3 9. To authorize payment of travel and other necessary
4 expenses of ~~the members of the board and~~ advisors to the
5 ~~board, and salaries, wages, compensations, travel, supplies,~~
6 ~~and equipment necessary to carry out the duties of the~~
7 ~~board,~~ commission and to authorize any other expenditures as
8 may be necessary to carry into effect the purposes of this
9 chapter.

10 Sec. 260. Section 465C.9, Code 2009, is amended to read as
11 follows:

12 **465C.9 Articles of dedication.**

13 1. The A public agency or private owner shall
14 complete articles of dedication on forms approved by the
15 ~~board~~ commission. When the articles of dedication have been
16 approved by the governor, the ~~board~~ commission shall record
17 them with the county recorder for the county or counties in
18 which the area is located.

19 2. The articles of dedication may contain restrictions
20 on development, sale, transfer, method of management, public
21 access, and commercial or other use, and may contain such other
22 provisions as may be necessary to further the purposes of this
23 chapter. They may define the respective jurisdictions of the
24 owner or operating agency and the ~~board~~ commission. They may
25 provide procedures to be applied in case of violation of the
26 dedication. They may recognize reversionary rights. They may
27 vary in provisions from one preserve to another in accordance
28 with differences in relative conditions.

29 Sec. 261. Section 465C.10, Code 2009, is amended to read as
30 follows:

31 **465C.10 When dedicated as a preserve.**

32 An area shall become a preserve when it has been approved by
33 the ~~board~~ commission for dedication as a preserve, whether in
34 public or private ownership, formally dedicated as a preserve
35 within the system by a public agency or private owner and

1 designated by the governor as a preserve.

2 Sec. 262. Section 465C.11, Code 2009, is amended to read as
3 follows:

4 **465C.11 Area held in trust.**

5 1. An area designated as a preserve within the system
6 is ~~hereby~~ declared put to its highest, best, and most
7 important use for public benefit. It shall be held in trust
8 and shall not be alienated except to another public use
9 upon a finding by the ~~board~~ commission of imperative and
10 unavoidable public necessity, and with the approval of ~~the~~
11 ~~commission~~, the general assembly by ~~concurrent~~ resolution,
12 and of the governor. The ~~board's~~ commission's interest
13 or interests in any area designated as a preserve shall
14 not be taken under the condemnation statutes of this state
15 without such a finding of imperative and unavoidable public
16 necessity by the ~~board~~ commission, and with the ~~consent~~
17 ~~of the commission~~, approval of the general assembly by
18 ~~concurrent~~ resolution, and of the governor.

19 2. The ~~board~~ commission, with the approval of the governor,
20 may enter into amendments to any articles of dedication upon
21 its finding that such amendment will not permit an impairment,
22 disturbance, or development of the area inconsistent with the
23 purposes of this chapter.

24 3. Before the ~~board~~ commission shall make a finding
25 of imperative and unavoidable public necessity, or shall
26 enter into any amendment to articles of dedication, ~~it~~ the
27 commission shall provide notice of such proposal and
28 opportunity for any person to be heard. Such notice shall
29 be published at least once in a newspaper with a general
30 circulation in the county or counties wherein the area directly
31 affected is situated, and mailed within ten days of such
32 published notice to all persons who have requested notice of
33 all such proposed actions. Each notice shall set forth the
34 substance of the proposed action and describe, with or without
35 legal description, the area affected, and shall set forth a

1 place and time not less than sixty days thence for all persons
2 desiring to be heard to have reasonable opportunity to be heard
3 prior to the finding of the ~~board~~ commission.

4 Sec. 263. 2008 Iowa Acts, chapter 1080, section 1,
5 subsection 6, is amended to read as follows:

6 6. This section is repealed on ~~July 1, 2010~~ the effective
7 date of this section of this division of this Act.

8 Sec. 264. REPEAL. Sections 465C.3, 465C.4, and 465C.5, Code
9 2009, are repealed.

10 Sec. 265. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
11 is repealed.

12 Sec. 266. APPLICABILITY OF ACT TO BRUSHY CREEK RECREATIONAL
13 ADVISORY BOARD. The sections of this division of this Act
14 amending section 455A.8 shall not affect the appointment or
15 term of office of a person who is serving as a member of the
16 Brushy creek recreational advisory board on the effective
17 date of those sections, until the member completes the term
18 of office, and shall take full effect only after such term of
19 office is completed.

20 Sec. 267. EFFECTIVE UPON ENACTMENT. The following
21 provisions of this division of this Act, being deemed of
22 immediate importance, take effect upon enactment:

23 The sections of this Act repealing 2009 Iowa Acts, chapter
24 144, section 49, establishing an upland game bird study
25 advisory committee.

26 DIVISION XVIII

27 ELIMINATION OF STATE ENTITIES

28 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES —

29 IOWA CLIMATE CHANGE ADVISORY COUNCIL

30 Sec. 268. Section 455B.851, subsections 1 through 8, Code
31 2009, are amended by striking the subsections.

32 Sec. 269. Section 455B.851, subsection 9, Code 2009, is
33 amended to read as follows:

34 9. By September 1 of each year, the department shall submit
35 a report to the governor and the general assembly regarding

1 the greenhouse gas emissions in the state during the previous
2 calendar year and forecasting trends in such emissions. The
3 ~~first submission by the department shall be filed by September~~
4 ~~1, 2008, for the calendar year beginning January 1, 2007.~~

5 Sec. 270. Section 473.7, subsection 12, paragraph b, Code
6 Supplement 2009, is amended to read as follows:

7 ~~b. In the course of the review, the institutions shall meet~~
8 ~~at least twice with the Iowa climate change advisory council~~
9 ~~established in section 455B.851.~~ The office shall submit a
10 report, based upon input from the institutions, containing
11 its findings and recommendations to the governor and general
12 assembly by January 1, 2011.

13 Sec. 271. EFFECTIVE UPON ENACTMENT. This division of this
14 Act, being deemed of immediate importance, takes effect upon
15 enactment.

16 DIVISION XIX

17 ELIMINATION OF STATE ENTITIES

18 ENTITIES ASSOCIATED WITH IOWA STATE UNIVERSITY — LIVESTOCK

19 HEALTH ADVISORY COUNCIL

20 Sec. 272. Section 267.7, Code 2009, is amended to read as
21 follows:

22 **267.7 ~~Other funds~~ Gifts and moneys.**

23 ~~In addition to the funds appropriated to it by this chapter,~~
24 ~~the Iowa state university college of veterinary medicine may~~
25 ~~accept gifts of property or moneys, in any form including~~
26 ~~but not limited to appropriations, grants, gifts, matching~~
27 ~~funds, or any other funds or matching moneys, from any public~~
28 ~~or private source for purposes of conducting research into~~
29 ~~the involving diseases of affecting livestock from any source,~~
30 ~~public or private. The college may deposit the moneys into the~~
31 livestock disease research fund created in section 267.8.

32 Sec. 273. Section 267.8, Code 2009, is amended to read as
33 follows:

34 **267.8 Livestock disease research fund.**

35 There A livestock disease research fund is created in the

1 office of the treasurer of state ~~a fund to be known as the~~
2 ~~livestock disease research fund~~ for use by the Iowa state
3 university college of veterinary medicine to support the
4 college in conducting research involving diseases affecting
5 livestock. Any balance in said fund on June 30 of each fiscal
6 year shall revert to the general fund.

7 Sec. 274. Section 352.2, subsection 8, Code 2009, is amended
8 to read as follows:

9 8. *"Livestock"* ~~means the same as defined in section~~
10 ~~267.1~~ swine, sheep, poultry, cattle, ostriches, rheas, or emus.

11 Sec. 275. REPEAL. Sections 267.1, 267.2, 267.3, 267.4,
12 267.5, and 267.6, Code 2009, are repealed.

13 Sec. 276. TRANSFER. Sections 267.7 and 267.8 are
14 transferred from chapter 267 to chapter 266. The sections
15 shall be codified as part of a new division, if determined
16 appropriate by the Iowa Code editor.

17 DIVISION XX

18 NATURAL RESOURCES — BOARDS AND COMMISSIONS

19 Sec. 277. Section 455A.8, subsection 1, paragraph a,
20 subparagraphs (3) and (4), Code Supplement 2009, are amended
21 to read as follows:

22 ~~{3} A member of the state advisory board for preserves~~
23 ~~established under chapter 465C.~~

24 ~~{4} {3} Seven~~ Eight persons appointed by the natural
25 resource commission.

26 Sec. 278. Section 455A.8, subsection 2, Code Supplement
27 2009, is amended to read as follows:

28 2. Each voting member of the board shall serve for terms
29 of three years, and shall be eligible for reappointment. A
30 vacancy on the board shall be filled for the remainder of the
31 original term. However, a vacancy in the membership slot
32 designated for the park employee shall be filled by the park
33 employee's successor, ~~and the person representing the state~~
34 ~~advisory board for preserves shall serve at the pleasure of the~~
35 ~~board~~. The department shall reimburse each member, other than

1 the director or the director's designee and the park employee,
 2 for actual expenses incurred by the member in performance
 3 of the duties of the board. A majority of voting members
 4 constitutes a quorum, and the affirmative vote of a majority
 5 present is necessary for any action taken by the board, except
 6 that a lesser number may adjourn a meeting. A vacancy in the
 7 membership of the board does not impair the rights of a quorum
 8 to exercise all rights and perform all duties of the board.
 9 The board shall meet as required, but at least twice a year.
 10 The board shall meet upon call of the chairperson, or upon
 11 written request of three members of the board. Written notice
 12 of the time and place of the meeting shall be given to each
 13 member.

14 Sec. 279. Section 455B.104, Code Supplement 2009, is
 15 amended by adding the following new subsections:

16 NEW SUBSECTION. 3. The department may periodically forward
 17 recommendations to the commission designed to encourage the
 18 reduction of statewide greenhouse gas emissions.

19 NEW SUBSECTION. 4. By September 1 of each year, the
 20 department shall submit a report to the governor and the
 21 general assembly regarding the greenhouse gas emissions in the
 22 state during the previous calendar year and forecasting trends
 23 in such emissions. The first submission by the department
 24 shall be filed by September 1, 2011, for the calendar year
 25 beginning January 1, 2010.

26 Sec. 280. Section 455B.851, Code 2009, is amended by adding
 27 the following new subsection:

28 NEW SUBSECTION. 10. This section is repealed July 1, 2011.

29 Sec. 281. Section 465C.1, subsection 2, Code 2009, is
 30 amended by striking the subsection.

31 Sec. 282. Section 465C.1, subsection 4, Code 2009, is
 32 amended to read as follows:

33 4. "*Dedication*" means the allocation of an area as a
 34 preserve by a public agency or by a private owner by written
 35 stipulation in a form approved by the ~~state advisory board for~~

1 ~~preserves~~ commission.

2 Sec. 283. Section 465C.2, Code 2009, is amended to read as
3 follows:

4 **465C.2 ~~Advisory board~~ State system of preserves.**

5 There is hereby created a state system of preserves ~~and a~~
6 ~~state advisory board for preserves~~.

7 Sec. 284. Section 465C.7, Code 2009, is amended to read as
8 follows:

9 **465C.7 Ecologist.**

10 The director shall employ, ~~upon recommendation by the board,~~
11 ~~at salaries fixed by the board,~~ a trained ecologist and other
12 personnel as necessary to carry out the powers and duties of
13 the ~~board~~ commission.

14 Sec. 285. Section 465C.8, unnumbered paragraph 1, Code
15 2009, is amended to read as follows:

16 The ~~board~~ commission shall have the following powers and
17 duties:

18 Sec. 286. Section 465C.8, subsections 3, 4, 5, 9, and 11,
19 Code 2009, are amended to read as follows:

20 3. To ~~recommend dedication~~ dedicate as preserves, of areas
21 owned by the state under the jurisdiction of the department.

22 4. To ~~recommend acquisition of~~ acquire areas for dedication
23 as preserves ~~subject to approval by the natural resource~~
24 ~~commission~~.

25 5. To ~~recommend dedication~~ dedicate as preserves,
26 areas owned by other public agencies, private groups, and
27 individuals.

28 9. To authorize payment of travel and other necessary
29 expenses of ~~the members of the board and~~ advisors to the
30 ~~board~~ commission, and salaries, wages, compensations, travel,
31 supplies, and equipment necessary to carry out the duties of
32 the ~~board~~ commission, and to authorize any other expenditures
33 as may be necessary to carry into effect the purposes of this
34 chapter.

35 11. To submit to the governor and the ~~legislature~~ general

1 assembly a report before January 15, 1967, and by January 15
2 in every two years thereafter odd-numbered year which shall
3 account for each preserve in the system and make such other
4 reports and recommendations as it may deem necessary.

5 Sec. 287. Section 465C.9, Code 2009, is amended to read as
6 follows:

7 **465C.9 Articles of dedication.**

8 The public agency or private owner shall complete articles
9 of dedication on forms approved by the ~~board~~ commission. When
10 the articles of dedication have been approved by the governor,
11 the ~~board~~ commission shall record them with the county recorder
12 for the county or counties in which the area is located.

13 The articles of dedication may contain restrictions on
14 development, sale, transfer, method of management, public
15 access, and commercial or other use, and may contain such
16 other provisions as may be necessary to further the purposes
17 of this chapter. ~~They~~ The articles of dedication may define
18 the respective jurisdictions of the owner or operating agency
19 and the ~~board~~ commission. ~~They~~ The articles of dedication may
20 provide procedures to be applied in case of violation of the
21 dedication. ~~They and~~ may recognize reversionary rights.
22 ~~They~~ The articles of dedication may vary in provisions from one
23 preserve to another in accordance with differences in relative
24 conditions.

25 Sec. 288. Section 465C.10, Code 2009, is amended to read as
26 follows:

27 **465C.10 When dedicated as a preserve.**

28 An area shall become a preserve when it has been approved by
29 the ~~board~~ commission for dedication as a preserve, whether in
30 public or private ownership, formally dedicated as a preserve
31 within the system by a public agency or private owner and
32 designated by the governor as a preserve.

33 Sec. 289. Section 465C.11, Code 2009, is amended to read as
34 follows:

35 **465C.11 Area held in trust.**

1 An area designated as a preserve within the system is
2 hereby declared put to its highest, best, and most important
3 use for public benefit. It shall be held in trust and shall
4 not be alienated except to another public use upon a finding
5 by the ~~board~~ commission of imperative and unavoidable public
6 necessity and with the approval of ~~the commission~~, the
7 general assembly by ~~concurrent~~ resolution, and the governor.
8 The ~~board's~~ commission's interest or interests in any
9 area designated as a preserve shall not be taken under the
10 condemnation statutes of this state without such a finding
11 of imperative and unavoidable public necessity by ~~the board~~,
12 ~~and with the consent of the commission~~, and with the approval
13 of the general assembly by concurrent resolution, and of the
14 governor.

15 The ~~board~~ commission, with the approval of the governor,
16 may enter into amendments to any articles of dedication upon
17 its finding that such amendment will not permit an impairment,
18 disturbance, or development of the area inconsistent with the
19 purposes of this chapter.

20 Before the ~~board~~ commission shall make a finding of
21 imperative and unavoidable public necessity, or shall enter
22 into any amendment to articles of dedication, it shall provide
23 notice of such proposal and opportunity for any person to be
24 heard. Such notice shall be published at least once in a
25 newspaper with a general circulation in the county or counties
26 wherein the area directly affected is situated, and mailed
27 within ten days of such published notice to all persons who
28 have requested notice of all such proposed actions. Each
29 notice shall set forth the substance of the proposed action
30 and describe, with or without legal description, the area
31 affected, and shall set forth a place and time not less than
32 sixty days thence for all persons desiring to be heard to have
33 reasonable opportunity to be heard prior to the finding of the
34 ~~board~~ commission.

1 Sec. 290. Section 473.7, subsection 12, paragraph b, Code
2 Supplement 2009, is amended by striking the paragraph.

3 Sec. 291. REPEAL. Sections 465C.3, 465C.4, 465C.5, and
4 465C.6, Code 2009, are repealed.

5 Sec. 292. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
6 is repealed.

7 Sec. 293. REPEAL. 2008 Iowa Acts, chapter 1080, section 1,
8 is repealed.

9 Sec. 294. EFFECTIVE UPON ENACTMENT. The following
10 provision or provisions of this division of this Act, being
11 deemed of immediate importance, take effect upon enactment:

12 1. The section of this Act repealing 2009 Iowa Acts, chapter
13 144, section 49.

14 2. The section of this Act repealing 2008 Iowa Acts, chapter
15 1080, section 1.

16 Sec. 295. EFFECTIVE DATE. The following provision or
17 provisions of this division of this Act take effect July 1,
18 2011:

19 1. The section of this Act amending section 455B.104.

20 2. The section of this Act amending section 473.7.

21 DIVISION XXI

22 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND

23 STORAGE TANK FUND BOARD

24 Sec. 296. Section 15G.201, subsection 10, Code 2009, is
25 amended by striking the subsection.

26 Sec. 297. Section 15G.202, subsection 6, Code 2009, is
27 amended to read as follows:

28 6. The infrastructure board shall meet with ~~three~~
29 ~~or more members of the underground storage tank fund~~
30 ~~board who shall represent the underground storage tank~~
31 ~~fund board~~ the department of natural resources. The
32 ~~representatives~~ department of natural resources shall
33 be available to advise the infrastructure board when the
34 infrastructure board makes decisions regarding the awarding
35 of financial incentives to a person under a renewable fuel

1 infrastructure program provided in section 15G.203 or 15G.204.

2 Sec. 298. Section 15G.203, subsection 2, Code Supplement
3 2009, is amended to read as follows:

4 2. A person may apply to the department of economic
5 development to receive financial incentives on a cost-share
6 basis. The department of economic development shall forward
7 the applications to the ~~underground storage tank fund~~
8 ~~board~~ department of natural resources as required by ~~that~~
9 ~~board~~ the department of natural resources for evaluation
10 and recommendation. The ~~underground storage tank fund~~
11 ~~board~~ department of natural resources may rank the applications
12 with comments and shall forward them to the infrastructure
13 board for approval or disapproval. The department of economic
14 development shall award financial incentives on a cost-share
15 basis to an eligible person whose application was approved by
16 the infrastructure board.

17 Sec. 299. Section 15G.204, subsection 1, Code 2009, is
18 amended to read as follows:

19 1. A person may apply to the department of economic
20 development to receive financial incentives on a cost-share
21 basis. The department of economic development shall forward
22 the applications to the ~~underground storage tank fund~~
23 ~~board~~ department of natural resources as required by ~~that~~
24 ~~board~~ the department of natural resources for evaluation
25 and recommendation. The ~~underground storage tank fund~~
26 ~~board~~ department of natural resources may rank the applications
27 with comments and shall forward them to the infrastructure
28 board for approval or disapproval. The department of economic
29 development shall award financial incentives on a cost-share
30 basis to an eligible person whose application was approved by
31 the infrastructure board.

32 Sec. 300. Section 16.151, Code 2009, is amended to read as
33 follows:

34 **16.151 Authority to issue Iowa tank assistance bonds.**

35 The authority shall assist the Iowa comprehensive petroleum

1 underground storage tank fund as provided in chapter 455G
 2 and the authority shall have all of the powers that the
 3 ~~Iowa comprehensive petroleum underground storage tank fund~~
 4 ~~board~~ department of natural resources possesses and which
 5 that ~~board~~ department delegates to the authority in a chapter
 6 28E agreement or a contract between the authority and the
 7 ~~Iowa comprehensive petroleum underground storage tank fund~~
 8 ~~board~~ department with respect to the issuance and securing of
 9 bonds and carrying out the purposes of chapter 455G.

10 Sec. 301. Section 68B.35, subsection 2, paragraph e, Code
 11 Supplement 2009, is amended to read as follows:

12 e. Members of the state banking council, the ethics and
 13 campaign disclosure board, the credit union review board, the
 14 economic development board, the employment appeal board, the
 15 environmental protection commission, the health facilities
 16 council, the Iowa finance authority, the Iowa public employees'
 17 retirement system investment board, the board of the Iowa
 18 lottery authority, the natural resource commission, the
 19 board of parole, ~~the petroleum underground storage tank~~
 20 ~~fund board~~, the public employment relations board, the state
 21 racing and gaming commission, the state board of regents,
 22 the tax review board, the transportation commission, the
 23 office of consumer advocate, the utilities board, the Iowa
 24 telecommunications and technology commission, and any full-time
 25 members of other boards and commissions as defined under
 26 section 7E.4 who receive an annual salary for their service
 27 on the board or commission. The Iowa ethics and campaign
 28 disclosure board shall conduct an annual review to determine
 29 if members of any other board, commission, or authority should
 30 file a statement and shall require the filing of a statement
 31 pursuant to rules adopted pursuant to chapter 17A.

32 Sec. 302. Section 424.1, subsections 3 through 5, Code 2009,
 33 are amended to read as follows:

34 3. The director of revenue shall enter into a contract or
 35 agreement with the ~~board~~ department of natural resources to

1 provide assistance requested by the ~~board~~ department of natural
 2 resources. Policy issues arising under this chapter or chapter
 3 455G shall be determined by the ~~board~~ department of natural
 4 resources, and the ~~board~~ department of natural resources shall
 5 be joined as a real party in interest when a policy issue is
 6 raised.

7 4. The ~~board~~ environmental protection commission shall
 8 retain rulemaking authority, but may contract with the
 9 department of revenue for assistance in drafting rules. The
 10 ~~board~~ commission shall retain contested case jurisdiction over
 11 any challenge to the diminution rate or cost factor. The
 12 department of revenue shall conduct all other contested cases
 13 and be responsible for other agency action in connection with
 14 the environmental protection charge imposed under this chapter.

15 5. The ~~board~~ department of natural resources shall
 16 reimburse the department of revenue by contract for the
 17 reasonable cost of administration of the environmental
 18 protection charge imposed under this chapter and for other
 19 duties delegated to the department of revenue or to the
 20 director of revenue by the ~~board~~ department of natural
 21 resources.

22 Sec. 303. Section 424.2, subsection 1, Code 2009, is amended
 23 by striking the subsection.

24 Sec. 304. Section 424.3, subsection 5, Code Supplement
 25 2009, is amended to read as follows:

26 5. The cost factor is an amount per gallon of
 27 diminution determined by the ~~board~~ department of natural
 28 resources pursuant to this subsection. The ~~board~~ department
 29 of natural resources, after public hearing, shall determine,
 30 or shall adjust, the cost factor to the greater of either an
 31 amount reasonably calculated to generate an annual average
 32 revenue, year to year, of seventeen million dollars from the
 33 charge, excluding penalties and interest, or ten dollars. The
 34 ~~board~~ department of natural resources may determine or adjust
 35 the cost factor at any time but shall at minimum determine the

1 cost factor at least once each fiscal year.

2 Sec. 305. Section 424.5, subsections 1 and 5, Code 2009, are
3 amended to read as follows:

4 1. It is unlawful for any person to deposit petroleum into
5 a tank in this state, unless a depositor permit has been issued
6 to that person under this section. A depositor shall file with
7 the department an application for a permit. An application
8 for a permit shall be made upon a form prescribed by the
9 ~~board~~ department of natural resources and shall set forth the
10 name under which the applicant transacts or intends to transact
11 business, the location or locations of the applicant's place
12 of business, and any other information as the ~~board~~ department
13 of natural resources may require. The application shall
14 be signed by the owner if a natural person; in the case of
15 an association or partnership, by a member or partner; in
16 the case of a corporation, by an executive officer or some
17 person specifically authorized by the corporation to sign the
18 application, to which shall be attached the written evidence of
19 the person's authority.

20 5. If the holder of a permit fails to comply with any
21 of the provisions of this chapter or any order or rule of
22 the department, ~~or rule of the environmental protection~~
23 commission, or order of the ~~board~~ department of natural
24 resources pursuant to this chapter, or is substantially
25 delinquent in the payment of a tax or charge administered by
26 the department or the interest or penalty on the tax or charge,
27 the director may revoke the permit.

28 Sec. 306. Section 424.6, subsection 1, unnumbered paragraph
29 2, Code 2009, is amended to read as follows:

30 The department shall permit a credit against the charge due
31 from a person operating an eligible underground bulk storage
32 facility equal to the total volume of petroleum transferred or
33 sold from a tank in bulk quantities and delivered to a person
34 for deposit in a tank which is exempt, deferred, or excluded
35 pursuant to this subsection, multiplied by the diminution rate

1 multiplied by the cost factor, subject to rules adopted by the
2 ~~board~~ environmental protection commission. "*Bulk quantities*" as
3 used in this paragraph means at least a portion of a standard
4 tanker truck load. "*Eligible underground bulk storage facility*"
5 means an underground bulk storage facility in operation on or
6 before January 1, 1990.

7 Sec. 307. Section 424.6, subsection 6, Code 2009, is amended
8 to read as follows:

9 6. The ~~board~~ department of natural resources may waive
10 the requirement for an exemption certificate for one or more
11 classes of exempt, deferred, or excluded tanks, if in the
12 ~~board's~~ department of natural resources' judgment an exemption
13 certificate is not required for effective and efficient
14 collection of the charge. If an exemption certificate is not
15 required for a class pursuant to this subsection, the depositor
16 shall maintain and file such records and information as may be
17 required by the director regarding deposits into a tank subject
18 to the waiver.

19 Sec. 308. Section 424.11, subsection 1, paragraph b, Code
20 Supplement 2009, is amended to read as follows:

21 b. The environmental protection charge lien shall attach at
22 the time the charge becomes due and payable and shall continue
23 for ten years from the time the lien attaches unless sooner
24 released or otherwise discharged. The lien may be extended,
25 within ten years from the date the lien attaches, by filing
26 for record a notice with the appropriate county official of
27 the appropriate county and from the time of such filing, the
28 lien shall be extended to the property in such county for ten
29 years, unless sooner released or otherwise discharged, with no
30 limit on the number of extensions. The director shall charge
31 off any account whose lien is allowed to lapse and may charge
32 off any account and release the corresponding lien before the
33 lien has lapsed if the director determines under uniform rules
34 adopted by the ~~board~~ environmental protection commission that
35 the account is uncollectible or collection costs involved would

1 not warrant collection of the amount due.

2 Sec. 309. Section 424.15, unnumbered paragraph 2, Code
3 2009, is amended to read as follows:

4 Refunds may be made only from the unallocated or uncommitted
5 moneys in the road use tax fund, and are limited by the
6 total amount budgeted by the ~~board~~ department of natural
7 resources for charge refunds.

8 Sec. 310. Section 424.16, subsections 1 and 2, Code
9 Supplement 2009, are amended to read as follows:

10 1. *a.* The ~~board~~ department of natural resources shall
11 notify each person who has previously filed an environmental
12 protection charge return, and any other person known to the
13 ~~board~~ department of natural resources who will owe the charge
14 at any address obtainable for that person, at least thirty days
15 in advance of the start of any calendar quarter during which an
16 administrative change in the cost factor, pursuant to section
17 424.3, subsection 5, becomes effective.

18 *b.* Notice shall be provided by mailing a notice of the
19 change to the address listed on the person's last return.
20 The mailing of the notice is presumptive evidence of the
21 receipt of the notice by the person to whom addressed. The
22 ~~board~~ department of natural resources shall also publish the
23 same notice at least twice in a paper of general circulation
24 within the state at least thirty days in advance of the first
25 day of the calendar quarter during which a change in paragraph
26 "*a*" becomes effective.

27 2. A notice authorized or required under this section may
28 be given by mailing the notice to the person for whom it is
29 intended, addressed to that person at the address given in the
30 last return filed by the person pursuant to this chapter, or if
31 no return has been filed, then to any address obtainable. The
32 mailing of the notice is presumptive evidence of the receipt
33 of the notice by the person to whom addressed. Any period
34 of time which is determined according to this chapter by the
35 giving of notice commences to run from the date of mailing of

1 the notice. Neither mailed notice or notice by publication
 2 is required for the initial determination and imposition of
 3 the charge. The ~~board~~ department of natural resources shall
 4 undertake to provide reasonable notice of the environmental
 5 protection charge and procedures, as in the ~~board's~~ department
 6 of natural resources' sole discretion it deems appropriate,
 7 provided that the actual charge and procedures are published in
 8 the Iowa administrative bulletin prior to the effective date
 9 of the charge.

10 Sec. 311. Section 427B.20, subsection 1, paragraph a, Code
 11 Supplement 2009, is amended to read as follows:

12 *a. "Actual portion of the costs paid by the owner or operator*
 13 *of an underground storage tank in connection with a remedial*
 14 *action for which the Iowa comprehensive petroleum underground*
 15 *storage tank fund shares in the cost of corrective action"* means
 16 the amount determined by the ~~fund's board~~ department of natural
 17 resources, or the ~~board's~~ designee of the department of natural
 18 resources, as the administrator of the Iowa comprehensive
 19 petroleum underground storage tank fund, and for which the
 20 owner or operator was not reimbursed from any other source.

21 Sec. 312. Section 455B.471, subsection 1, Code 2009, is
 22 amended by striking the subsection.

23 Sec. 313. Section 455B.474, subsection 1, paragraph f,
 24 subparagraphs (9) and (10), Code Supplement 2009, are amended
 25 to read as follows:

26 (9) Replacement or upgrade of a tank on a site classified
 27 as a high or low risk site shall be equipped with a secondary
 28 containment system with monitoring of the space between
 29 the primary and secondary containment structures or other
 30 ~~board~~ department approved tank system or methodology.

31 (10) The commission ~~and the board~~ shall ~~cooperate to~~ ensure
 32 that remedial measures required by the corrective action
 33 rules adopted pursuant to this paragraph are reasonably
 34 cost-effective and shall, to the fullest extent possible, avoid
 35 duplicating and conflicting requirements.

1 Sec. 314. Section 455B.474, subsection 9, paragraph d, Code
2 Supplement 2009, is amended to read as follows:

3 d. The certification of groundwater professionals shall not
4 impose liability on ~~the board~~, the department, or the fund for
5 any claim or cause of action of any nature, based on the action
6 or inaction of a groundwater professional certified pursuant
7 to this subsection.

8 Sec. 315. Section 455B.477, subsection 7, Code 2009, is
9 amended to read as follows:

10 7. The civil penalties or other damages or moneys recovered
11 by the state or the petroleum underground storage tank fund
12 in connection with a petroleum underground storage tank under
13 this part of this division or chapter 455G shall be credited to
14 the fund created in section 455G.3 and allocated between fund
15 accounts according to the fund budget. Any federal moneys,
16 including but not limited to federal underground storage tank
17 trust fund moneys, received by the state or the department of
18 natural resources in connection with a release occurring on
19 or after May 5, 1989, or received generally for underground
20 storage tank programs on or after May 5, 1989, shall be
21 credited to the fund created in section 455G.3 and allocated
22 between fund accounts according to the fund budget, unless
23 such use would be contrary to federal law. ~~The department~~
24 ~~shall cooperate with the board of the Iowa comprehensive~~
25 ~~petroleum underground storage tank fund to maximize the state's~~
26 ~~eligibility for and receipt of federal funds for underground~~
27 ~~storage tank related purposes.~~

28 Sec. 316. Section 455G.1, subsection 2, paragraph c, Code
29 Supplement 2009, is amended to read as follows:

30 c. If and when federal law changes, the ~~department~~
31 ~~of natural resources~~ commission shall adopt by rule
32 such additional requirements, exemptions, deferrals, or
33 exclusions as required by federal law. It is expected that
34 certain classes of tanks currently exempted or excluded by
35 federal regulation will be regulated by the United States

1 environmental protection agency in the future. A tank
2 which is not required by federal law to maintain proof of
3 financial responsibility shall not be subject to ~~department~~
4 ~~of natural resources~~ commission rules on proof of financial
5 responsibility.

6 Sec. 317. Section 455G.2, subsections 2, 5, 6, and 12, Code
7 2009, are amended to read as follows:

8 2. ~~"Board" means the Iowa comprehensive petroleum~~
9 ~~underground storage tank fund board.~~

10 5. "*Community remediation*" means a program of coordinated
11 testing, planning, or remediation, involving two or more tank
12 sites potentially connected with a continuous contaminated
13 area, pursuant to rules adopted by the ~~board~~ commission. A
14 community remediation does not expand the scope of coverage
15 otherwise available or relieve liability otherwise imposed
16 under state or federal law.

17 6. "*Corrective action*" means an action taken to minimize,
18 eliminate, or clean up a release to protect the public
19 health and welfare or the environment. Corrective action
20 includes, but is not limited to, excavation of an underground
21 storage tank for the purposes of repairing a leak or removal
22 of a tank, removal of contaminated soil, and cleansing of
23 groundwaters or surface waters. Corrective action does
24 not include replacement of an underground storage tank or
25 other capital improvements to the tank. Corrective action
26 specifically excludes third-party liability. Corrective action
27 includes the expenses incurred to prepare a site cleanup report
28 for approval by the ~~department of natural resources~~ detailing
29 the planned response to a release or suspected release, but not
30 necessarily all actions proposed to be taken by a site cleanup
31 report.

32 12. "*Insurance*" includes any form of financial assistance
33 or showing of financial responsibility sufficient to comply
34 with the federal Resource Conservation and Recovery Act or the
35 ~~Iowa department of natural resources'~~ department's underground

1 storage tank financial responsibility rules.

2 Sec. 318. Section 455G.2, Code 2009, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 4A. "*Commission*" means the environmental
5 protection commission created pursuant to section 455A.6.

6 NEW SUBSECTION. 6A. "*Department*" means the department of
7 natural resources created pursuant to section 455A.2.

8 Sec. 319. Section 455G.3, subsections 1, 2, and 5, Code
9 2009, are amended to read as follows:

10 1. The Iowa comprehensive petroleum underground storage
11 tank fund is created as a separate fund in the state treasury,
12 and any funds remaining in the fund at the end of each fiscal
13 year shall not revert to the general fund but shall remain
14 in the Iowa comprehensive petroleum underground storage tank
15 fund. Interest or other income earned by the fund shall be
16 deposited in the fund. The fund shall include moneys credited
17 to the fund under this section, section 321.145, subsection
18 2, paragraph "a", and sections 455G.8 and 455G.9, and section
19 455G.11, Code 2003, and other funds which by law may be
20 credited to the fund. The moneys in the fund are appropriated
21 to and for the purposes of the ~~board~~ department as provided
22 in this chapter. Amounts in the fund shall not be subject to
23 appropriation for any other purpose by the general assembly,
24 but shall be used only for the purposes set forth in this
25 chapter. The treasurer of state shall act as custodian of the
26 fund and disburse amounts contained in it as directed by the
27 ~~board~~ department including automatic disbursements of funds as
28 received pursuant to the terms of bond indentures and documents
29 and security provisions to trustees and custodians. The
30 treasurer of state is authorized to invest the funds deposited
31 in the fund at the direction of the ~~board~~ department and
32 subject to any limitations contained in any applicable bond
33 proceedings. The income from such investment shall be credited
34 to and deposited in the fund. The fund shall be administered
35 by the ~~board~~ department which shall make expenditures from the

1 fund consistent with the purposes of the programs set out in
 2 this chapter without further appropriation. The fund may be
 3 divided into different accounts with different depositories as
 4 determined by the ~~board~~ department and to fulfill the purposes
 5 of this chapter.

6 2. The ~~board~~ department shall assist Iowa's owners and
 7 operators of petroleum underground storage tanks in complying
 8 with federal environmental protection agency technical and
 9 financial responsibility regulations by establishment of the
 10 Iowa comprehensive petroleum underground storage tank fund.
 11 The authority may issue its bonds, or series of bonds, to
 12 assist the ~~board~~ department, as provided in this chapter.

13 5. For purposes of payment of refunds of the environmental
 14 protection charge under section 424.15 by the department
 15 of revenue, the treasurer of state shall allocate to the
 16 department of administrative services the total amount budgeted
 17 by the ~~fund's board~~ department of natural resources for
 18 environmental protection charge refunds. Any unused funds
 19 shall be remitted to the treasurer of state.

20 Sec. 320. Section 455G.4, Code Supplement 2009, is amended
 21 to read as follows:

22 **455G.4 ~~Governing board~~ Duties.**

23 ~~1. *Members of the board.*~~

24 ~~a. The Iowa comprehensive petroleum underground storage tank~~
 25 ~~fund board is established consisting of the following members:~~

26 ~~(1) The director of the department of natural resources, or~~
 27 ~~the director's designee.~~

28 ~~(2) The treasurer of state, or the treasurer's designee.~~

29 ~~(3) The commissioner of insurance, or the commissioner's~~
 30 ~~designee.~~

31 ~~(4) Two public members appointed by the governor and~~
 32 ~~confirmed by the senate to staggered four-year terms, except~~
 33 ~~that, of the first members appointed, one public member shall~~
 34 ~~be appointed for a term of two years and one for a term of four~~
 35 ~~years. A public member shall have experience, knowledge, and~~

1 ~~expertise of the subject matter embraced within this chapter.~~
2 ~~Two public members shall be appointed with experience in~~
3 ~~either, or both, financial markets or insurance.~~

4 ~~(5) Two owners or operators appointed by the governor.~~
5 ~~One of the owners or operators appointed pursuant to this~~
6 ~~subparagraph shall have been a petroleum systems insured~~
7 ~~through the underground storage tank insurance fund as it~~
8 ~~existed on June 30, 2004, or a successor to the underground~~
9 ~~storage tank insurance fund and shall have been an insured~~
10 ~~through the insurance account of the comprehensive petroleum~~
11 ~~underground storage tank fund on or before October 26, 1990.~~
12 ~~One of the owners or operators appointed pursuant to this~~
13 ~~subparagraph shall be self-insured.~~

14 ~~(6) The director of the legislative services agency, or~~
15 ~~the director's designee. The director under this subparagraph~~
16 ~~shall not participate as a voting member of the board.~~

17 ~~b. A public member appointed pursuant to paragraph "a",~~
18 ~~subparagraph (4), shall not have a conflict of interest. For~~
19 ~~purposes of this section, a "conflict of interest" means an~~
20 ~~affiliation, within the twelve months before the member's~~
21 ~~appointment, with the regulated tank community, or with a~~
22 ~~person or property and casualty insurer offering competitive~~
23 ~~insurance or other means of financial assurance or which~~
24 ~~previously offered environmental hazard insurance for a member~~
25 ~~of the regulated tank community.~~

26 ~~c. The filling of positions reserved for public~~
27 ~~representatives, vacancies, membership terms, payment of~~
28 ~~compensation and expenses, and removal of members are governed~~
29 ~~by chapter 69. Members of the board are entitled to receive~~
30 ~~reimbursement of actual expenses incurred in the discharge of~~
31 ~~their duties within the limits of funds appropriated to the~~
32 ~~board or made available to the fund. Each member of the board~~
33 ~~may also be eligible to receive compensation as provided in~~
34 ~~section 7E.6. The members shall elect a voting chairperson of~~
35 ~~the board from among the members of the board.~~

1 ~~2. Department cooperation with board.~~ The director of
2 the department of natural resources shall cooperate with the
3 board in the implementation of this part so as to minimize
4 unnecessary duplication of effort, reporting, or paperwork and
5 maximize environmental protection.

6 ~~3. Rules and emergency rules.~~

7 1. a. The board commission shall adopt rules regarding
8 its practice and procedures, develop underwriting standards,
9 establish procedures for investigating and settling claims made
10 against the fund, and otherwise implement and administer this
11 chapter.

12 b. Rules necessary for the implementation and collection of
13 the environmental protection charge shall be adopted.

14 c. Rules to facilitate and encourage the use of community
15 remediation whenever possible shall be adopted.

16 d. The board commission shall adopt rules relating to
17 appeal procedures which shall require ~~the administrator to~~
18 ~~deliver~~ notice of appeal to be delivered to the affected
19 parties within fifteen days of receipt of notice, require
20 that the hearing be held within one hundred eighty days of
21 the filing of the petition unless good cause is shown for
22 the delay, and require that a final decision be issued no
23 later than one hundred twenty days following the close of the
24 hearing. The time restrictions in this paragraph may be waived
25 by mutual agreement of the parties.

26 ~~4. Public bid.~~

27 2. All contracts entered into by the board department,
28 including contracts relating to community remediation, shall be
29 awarded on a competitive basis to the maximum extent practical.
30 In those situations where it is determined that public
31 bidding is not practical, the basis for the determination of
32 impracticability shall be documented by the board department or
33 its designee. ~~This subsection applies only to contracts~~
34 ~~entered into on or after July 1, 1992.~~

35 ~~5. Contract approval.~~

1 3. a. The ~~board~~ commission shall approve any contract
2 entered into pursuant to this chapter if the cost of the
3 contract exceeds seventy-five thousand dollars.

4 b. A listing of all contracts entered into pursuant to this
5 chapter shall be presented at each ~~board~~ commission meeting
6 and shall be made available to the public. The listing shall
7 state the interested parties to the contract, the amount of the
8 contract, and the subject matter of the contract.

9 c. The ~~board~~ commission shall be required to review and
10 approve or disapprove the ~~administrator's~~ department's failure
11 to approve a contract under section 455G.12A. Review by the
12 ~~board~~ commission shall not be required for cancellation or
13 replacement of a contract for a site included in a community
14 remediation project or when an emergency situation exists.

15 ~~6. Reporting.~~

16 4. Beginning July 2003, the ~~board~~ department shall submit
17 a written report quarterly to the legislative council, the
18 chairperson and ranking member of the committee on environment
19 and energy independence in the senate, and the chairperson
20 and ranking member of the committee on environmental
21 protection in the house of representatives regarding changes
22 in the status of the program including but not limited to
23 the number of open claims by claim type; the number of new
24 claims submitted and the eligibility status of each claim;
25 a summary of the risk classification of open claims; the
26 status of all claims at high-risk sites including the number
27 of corrective action design reports submitted, approved, and
28 implemented during the reporting period; total moneys reserved
29 on open claims and total moneys paid on open claims; and a
30 summary of budgets approved and invoices paid for high-risk
31 site activities including a breakdown by corrective action
32 design report, construction and equipment, implementation,
33 operation and maintenance, monitoring, over excavation, free
34 product recovery, site reclassification, reporting and other
35 expenses, or a similar breakdown. In each report submitted

1 by the ~~board~~ department, the ~~board~~ department shall include
 2 an estimated timeline to complete corrective action at all
 3 currently eligible high-risk sites where a corrective action
 4 design report has been submitted by a claimant and approved
 5 during the reporting period. The timeline shall include the
 6 projected year when a no further action designation will be
 7 obtained based upon the corrective action activities approved
 8 or anticipated at each claimant site. The timeline shall be
 9 broken down in annual increments with the number or percentage
 10 of sites projected to be completed for each time period. The
 11 report shall identify and report steps taken to expedite
 12 corrective action and eliminate the state's liability for open
 13 claims.

14 Sec. 321. Section 455G.5, Code 2009, is amended to read as
 15 follows:

16 **455G.5 Independent contractors to be retained by**
 17 **board department.**

18 ~~The board shall administer the fund. A contract entered~~
 19 ~~into on or after July 1, 1992, to retain a person to act as the~~
 20 ~~administrator of the fund shall be subject to public bid. All~~
 21 ~~other contracts to retain a person under this section shall be~~
 22 ~~in compliance with the public bidding requirements of section~~
 23 ~~455G.4, subsection 4.~~

24 The ~~board~~ department may enter into a contract or an
 25 agreement authorized under chapter 28E with a private agency
 26 or person, ~~the department of natural resources~~, the Iowa
 27 finance authority, the department of administrative services,
 28 the department of revenue, other departments, agencies, or
 29 governmental subdivisions of this state, another state, or
 30 the United States, in connection with its administration and
 31 implementation of this chapter or chapter 424 or 455B.

32 The ~~board~~ department may reimburse a contractor, public
 33 or private, retained pursuant to this section for expenses
 34 incurred in the execution of a contract or agreement.
 35 Reimbursable expenses include, by way of example, but not

1 exclusion, the costs of collecting the environmental protection
2 charge or administering specific delegated duties or powers of
3 the ~~board~~ department.

4 Sec. 322. Section 455G.6, unnumbered paragraph 1, Code
5 Supplement 2009, is amended to read as follows:

6 In administering the fund, the ~~board~~ department has all of
7 the general powers reasonably necessary and convenient to carry
8 out its purposes and duties and may do any of the following,
9 subject to express limitations contained in this chapter:

10 Sec. 323. Section 455G.6, subsections 1, 7, 8, 12, 15, 16,
11 and 17, Code Supplement 2009, are amended to read as follows:

12 1. Guarantee secured and unsecured loans, and enter into
13 agreements for corrective action, acquisition and construction
14 of tank improvements, and provide for the insurance program.
15 The loan guarantees may be made to a person or entity owning
16 or operating a tank. The ~~board~~ department may take any action
17 which is reasonable and lawful to protect its security and to
18 avoid losses from its loan guarantees.

19 7. The ~~board~~ department may contract with the authority
20 for the authority to issue bonds and do all things necessary
21 with respect to the purposes of the fund, as set out in the
22 contract between the ~~board~~ department and the authority.
23 The ~~board~~ department may delegate to the authority and
24 the authority shall then have all of the powers of the
25 ~~board~~ department which are necessary to issue and secure bonds
26 and carry out the purposes of the fund, to the extent provided
27 in the contract between the ~~board~~ department and the authority.
28 The authority may issue the authority's bonds in principal
29 amounts which, in the opinion of the ~~board~~ department, are
30 necessary to provide sufficient funds for the fund, the payment
31 of interest on the bonds, the establishment of reserves to
32 secure the bonds, the costs of issuance of the bonds, other
33 expenditures of the authority incident to and necessary or
34 convenient to carry out the bond issue for the fund, and
35 all other expenditures of the ~~board~~ department necessary or

1 convenient to administer the fund. The bonds are investment
2 securities and negotiable instruments within the meaning of and
3 for purposes of the uniform commercial code, chapter 554.

4 8. Bonds issued under this section are payable solely
5 and only out of the moneys, assets, or revenues of the fund,
6 all of which may be deposited with trustees or depositories
7 in accordance with bond or security documents and pledged
8 by the ~~board~~ department to the payment thereof, and are not
9 an indebtedness of this state or the authority, or a charge
10 against the general credit or general fund of the state or the
11 authority, and the state shall not be liable for any financial
12 undertakings with respect to the fund. Bonds issued under
13 this chapter shall contain on their face a statement that the
14 bonds do not constitute an indebtedness of the state or the
15 authority.

16 12. Bonds must be authorized by a trust indenture,
17 resolution, or other instrument of the authority, approved by
18 the ~~board~~ department. However, a trust indenture, resolution,
19 or other instrument authorizing the issuance of bonds may
20 delegate to an officer of the issuer the power to negotiate and
21 fix the details of an issue of bonds.

22 15. a. Subject to the terms of any bond documents, moneys
23 in the fund or fund accounts may be expended for administration
24 expenses, civil penalties, moneys paid under an agreement,
25 stipulation, or settlement, for the costs associated with sites
26 within a community remediation project, for costs related to
27 contracts entered into with a state agency or university, costs
28 for activities relating to litigation, or for the costs of any
29 other activities as the ~~board~~ department may determine are
30 necessary and convenient to facilitate compliance with and to
31 implement the intent of federal laws and regulations and this
32 chapter. ~~For purposes of this chapter, administration expenses~~
33 ~~include expenses incurred by the underground storage tank~~
34 ~~section of the department of natural resources in relation to~~
35 ~~tanks regulated under this chapter.~~

1 **b.** The authority granted under this subsection which allows
 2 the ~~board~~ department to expend fund moneys on an activity
 3 the ~~board~~ department determines is necessary and convenient
 4 to facilitate compliance with and to implement the intent of
 5 federal laws and regulations and this chapter, shall only be
 6 used in accordance with the following:

7 (1) Prior ~~board~~ department approval shall be required
 8 before expenditure of moneys pursuant to this authority shall
 9 be made.

10 (2) If the expenditure of fund moneys pursuant to this
 11 authority would result in the ~~board~~ department establishing
 12 a policy which would substantially affect the operation
 13 of the program, rules shall be adopted by the
 14 commission pursuant to chapter 17A prior to the ~~board~~
 15 ~~or the administrator~~ department taking any action pursuant to
 16 this proposed policy.

17 16. The ~~board shall cooperate with the~~ department of
 18 ~~natural resources,~~ in the implementation and administration
 19 of this chapter ~~to,~~ shall assure that in combination with
 20 existing state statutes and rules governing underground storage
 21 tanks, the state will be, and continue to be, recognized by
 22 the federal government as having an "*approved state account*"
 23 under the federal Resource Conservation and Recovery Act,
 24 especially by compliance with the Act's subtitle I financial
 25 responsibility requirements as enacted in the federal Superfund
 26 Amendments and Reauthorization Act of 1986 and the financial
 27 responsibility regulations adopted by the United States
 28 environmental protection agency at 40 C.F.R. pts. 280 and 281.
 29 Whenever possible this chapter shall be interpreted to further
 30 the purposes of, and to comply, and not to conflict, with such
 31 federal requirements.

32 17. The ~~board~~ commission may adopt rules pursuant to
 33 chapter 17A providing for the transfer of all or a portion
 34 of the liabilities of the ~~board~~ department under this
 35 chapter. Notwithstanding other provisions to the contrary,

1 the ~~board~~ department, upon such transfer, shall not maintain
2 any duty to reimburse claimants under this chapter for those
3 liabilities transferred.

4 Sec. 324. Section 455G.7, subsection 1, unnumbered
5 paragraph 1, Code Supplement 2009, is amended to read as
6 follows:

7 For the purpose of securing one or more issues of bonds
8 for the fund, the authority, with the approval of the
9 ~~board~~ department, may authorize the establishment of one
10 or more special funds, called "*capital reserve funds*". The
11 authority may pay into the capital reserve funds the proceeds
12 of the sale of its bonds and other money which may be made
13 available to the authority from other sources for the purposes
14 of the capital reserve funds. Except as provided in this
15 section, money in a capital reserve fund shall be used only as
16 required for any of the following:

17 Sec. 325. Section 455G.8, unnumbered paragraph 1, Code
18 2009, is amended to read as follows:

19 Revenue for the fund shall include, but is not limited
20 to, the following, which shall be deposited with the
21 ~~board~~ department or its designee as provided by any bond or
22 security documents and credited to the fund:

23 Sec. 326. Section 455G.8, subsection 2, Code 2009, is
24 amended to read as follows:

25 2. *Statutory allocations fund*. The moneys credited from the
26 statutory allocations fund under section 321.145, subsection
27 2, paragraph "a", shall be allocated, consistent with this
28 chapter, among the fund's accounts, for debt service and other
29 fund expenses, according to the fund budget, resolution,
30 trust agreement, or other instrument prepared or entered into
31 by the ~~board~~ department or authority under direction of the
32 ~~board~~ department.

33 Sec. 327. Section 455G.9, subsection 1, paragraph a,
34 subparagraph (1), unnumbered paragraph 1, Code 2009, is amended
35 to read as follows:

1 Corrective action for an eligible release reported to the
2 department ~~of natural resources~~ on or after July 1, 1987, but
3 prior to May 5, 1989. Third-party liability is specifically
4 excluded from remedial account coverage. For a claim for a
5 release under this subparagraph, the remedial program shall pay
6 in accordance with subsection 4. For a release to be eligible
7 for coverage under this subparagraph the following conditions
8 must be satisfied:

9 Sec. 328. Section 455G.9, subsection 1, paragraph a,
10 subparagraph (1), subparagraph division (c), Code 2009, is
11 amended to read as follows:

12 (c) The claim for coverage pursuant to this subparagraph
13 must have been filed with the ~~board~~ department prior to January
14 31, 1990, except that cities and counties must have filed their
15 claim ~~with the board~~ by September 1, 1990.

16 Sec. 329. Section 455G.9, subsection 1, paragraph a,
17 subparagraph (1), subparagraph division (d), Code 2009, is
18 amended to read as follows:

19 (d) The owner or operator at the time the release was
20 reported to the department ~~of natural resources~~ must have been
21 in compliance with then current monitoring requirements, if
22 any, or must have been in the process of compliance efforts
23 with anticipated requirements, including installation of
24 monitoring devices, a new tank, tank improvements or retrofit,
25 or any combination.

26 Sec. 330. Section 455G.9, subsection 1, paragraph a,
27 subparagraph (2), Code 2009, is amended to read as follows:

28 (2) Corrective action, up to one million dollars total,
29 and subject to prioritization rules as established pursuant to
30 section 455G.12A, for a release reported to the department ~~of~~
31 ~~natural resources~~ after May 5, 1989, and on or before October
32 26, 1990. Third-party liability is specifically excluded
33 from remedial account coverage. Corrective action coverage
34 provided pursuant to this paragraph may be aggregated with
35 other financial assurance mechanisms as permitted by federal

1 law to satisfy required aggregate and per occurrence limits
2 of financial responsibility for both corrective action and
3 third-party liability, if the owner's or operator's effective
4 financial responsibility compliance date is prior to October
5 26, 1990. School districts who reported a release to the
6 department ~~of natural resources~~ prior to December 1, 1990,
7 shall have until July 1, 1991, to report a claim ~~to the~~
8 ~~board~~ for remedial coverage under this subparagraph.

9 Sec. 331. Section 455G.9, subsection 1, paragraph a,
10 subparagraph (3), unnumbered paragraph 1, Code 2009, is amended
11 to read as follows:

12 Corrective action for an eligible release reported to
13 the department ~~of natural resources~~ on or after January 1,
14 1984, but prior to July 1, 1987. Third-party liability is
15 specifically excluded from remedial account coverage. For
16 a claim for a release under this subparagraph, the remedial
17 program shall pay in accordance with subsection 4. For a
18 release to be eligible for coverage under this subparagraph the
19 following conditions must be satisfied:

20 Sec. 332. Section 455G.9, subsection 1, paragraph a,
21 subparagraph (3), subparagraph division (d), Code 2009, is
22 amended to read as follows:

23 (d) The claim for coverage pursuant to this subparagraph
24 must have been filed ~~with the board~~ prior to September 1, 1990.

25 Sec. 333. Section 455G.9, subsection 1, paragraph a,
26 subparagraph (3), subparagraph division (e), Code 2009, is
27 amended to read as follows:

28 (e) The owner or operator at the time the release was
29 reported to the department ~~of natural resources~~ must have been
30 in compliance with then current monitoring requirements, if
31 any, or must have been in the process of compliance efforts
32 with anticipated requirements, including installation of
33 monitoring devices, a new tank, tank improvements or retrofit,
34 or any combination.

1 Sec. 334. Section 455G.9, subsection 1, paragraph a,
2 subparagraph (4), Code 2009, is amended to read as follows:

3 (4) One hundred percent of the costs of corrective
4 action for a release reported to the department ~~of natural~~
5 ~~resources~~ on or before July 1, 1991, if the owner or operator
6 is not a governmental entity and is a not-for-profit
7 organization exempt from federal income taxation under section
8 501(c)(3) of the Internal Revenue Code with a net annual income
9 of twenty-five thousand dollars or less for the year 1990, and
10 if the tank which is the subject of the corrective action is a
11 registered tank and is under one thousand one hundred gallons
12 capacity.

13 Sec. 335. Section 455G.9, subsection 1, paragraphs b, c, e,
14 and f, Code 2009, are amended to read as follows:

15 b. Corrective action and third-party liability for a
16 release discovered on or after January 24, 1989, for which a
17 responsible owner or operator able to pay cannot be found and
18 for which the federal underground storage tank trust fund or
19 other federal moneys do not provide coverage. For the purposes
20 of this section property shall not be deeded or quitclaimed
21 to the state or ~~board~~ department in lieu of cleanup.
22 Additionally, the ability to pay shall be determined after a
23 claim has been filed. The ~~board~~ department is not liable for
24 any cost where either the responsible owner or operator, or
25 both, have a net worth greater than fifteen thousand dollars,
26 or where the responsible party can be determined. Third-party
27 liability specifically excludes any claim, cause of action,
28 or suit, for personal injury including, but not limited
29 to, loss of use or of private enjoyment, mental anguish,
30 false imprisonment, wrongful entry or eviction, humiliation,
31 discrimination, or malicious prosecution.

32 c. Corrective action and third-party liability for a tank
33 owned or operated by a financial institution eligible to
34 participate in the remedial account under section 455G.16 if
35 the prior owner or operator is unable to pay, if so authorized

1 by the ~~board~~ department as part of a condition or incentive
2 for financial institution participation in the fund pursuant
3 to section 455G.16. Third-party liability specifically
4 excludes any claim, cause of action, or suit, for personal
5 injury including, but not limited to, loss of use or of
6 private enjoyment, mental anguish, false imprisonment, wrongful
7 entry or eviction, humiliation, discrimination, or malicious
8 prosecution.

9 e. Corrective action for a release reported to the
10 department ~~of natural resources~~ after May 5, 1989, and on
11 or before October 26, 1990, in connection with a tank owned
12 or operated by a state agency or department which elects to
13 participate in the remedial account pursuant to this paragraph.
14 A state agency or department which does not receive a standing
15 unlimited appropriation which may be used to pay for the
16 costs of a corrective action may opt, with the approval of
17 the ~~board~~ department, to participate in the remedial account.
18 As a condition of opting to participate in the remedial
19 account, the agency or department shall pay all registration
20 fees, storage tank management fees, environmental protection
21 charges, and all other charges and fees upon all tanks owned
22 or operated by the agency or department in the same manner
23 as if the agency or department were a person required to
24 maintain financial responsibility. Once an agency has opted
25 to participate in the remedial program, it cannot opt out,
26 and shall continue to pay all charges and fees upon all tanks
27 owned or operated by the agency or department so long as the
28 charges or fees are imposed on similarly situated tanks of a
29 person required to maintain financial responsibility. The
30 ~~board~~ commission shall by rule adopted pursuant to chapter
31 17A provide the terms and conditions for a state agency or
32 department to opt to participate in the remedial account. A
33 state agency or department which opts to participate in the
34 remedial account shall be subject to the minimum copayment
35 schedule of subsection 4, as if the state agency or department

1 were a person required to maintain financial responsibility.

2 *f.* One hundred percent of the costs up to twenty thousand
3 dollars incurred by the ~~board~~ department under section
4 455G.12A, subsection 2, unnumbered paragraph 2, for site
5 cleanup reports. Costs of a site cleanup report which
6 exceed twenty thousand dollars shall be considered a cost of
7 corrective action and the amount shall be included in the
8 calculations for corrective action cost copayments under
9 subsection 4. The ~~board~~ department shall have the discretion
10 to authorize a site cleanup report payment in excess of twenty
11 thousand dollars if the site is participating in community
12 remediation.

13 Sec. 336. Section 455G.9, subsection 1, paragraph g,
14 subparagraph (4), Code 2009, is amended to read as follows:

15 (4) The release was reported ~~to the board~~ by October 26,
16 1991.

17 Sec. 337. Section 455G.9, subsection 1, paragraphs i, k, and
18 l, Code 2009, are amended to read as follows:

19 *i.* Notwithstanding section 455G.1, subsection 2, corrective
20 action, for a release which was tested prior to October 26,
21 1990, and for which the site was issued a no-further-action
22 letter by the department ~~of natural resources~~ and which was
23 later determined, due to sale of the property or removal of a
24 nonoperating tank, to require remediation which was reported
25 ~~to the administrator~~ by October 26, 1992, in an amount as
26 specified in subsection 4. In order to qualify for benefits
27 under this paragraph, the applicant must not have operated a
28 tank on the property during the period of time for which the
29 applicant owned the property and the applicant must not be a
30 financial institution.

31 *k.* ~~Pursuant to an agreement between the board and the~~
32 ~~department of natural resources, assessment~~ Assessment and
33 corrective action arising out of releases at sites for which
34 a no further action certificate has been issued pursuant to
35 section 455B.474, when the department determines that an

1 unreasonable risk to public health and safety may still exist.
2 ~~At a minimum, the agreement shall address eligible costs,~~
3 ~~contracting for services, and conditions under which sites may~~
4 ~~be reevaluated.~~

5 1. Costs for the permanent closure of an underground storage
6 tank system that was in place on the date an eligible claim
7 was submitted under paragraph "a". Reimbursement is limited
8 to costs approved by the ~~board~~ department prior to the closure
9 activities.

10 Sec. 338. Section 455G.9, subsections 2, 3, 5, 7, and 10,
11 Code 2009, are amended to read as follows:

12 2. *Remedial account funding.* The remedial account
13 shall be funded by that portion of the proceeds of the use
14 tax imposed under chapter 423, subchapter III, and other
15 moneys and revenues budgeted to the remedial account by the
16 ~~board~~ department.

17 3. *Trust fund to be established.* When the remedial account
18 has accumulated sufficient capital to provide dependable
19 income to cover the expenses of expected future releases or
20 expected future losses for which no responsible owner is
21 available, the excess capital shall be transferred to a trust
22 fund administered by the ~~board~~ department and created for that
23 purpose.

24 5. *Recovery of gain on sale of property.* If an owner
25 or operator ceases to own or operate a tank site for which
26 remedial account benefits were received within ten years of
27 the receipt of any account benefit and sells or transfers a
28 property interest in the tank site for an amount which exceeds
29 one hundred twenty percent of the precorrective action value,
30 adjusted for equipment and capital improvements, the owner or
31 operator shall refund to the remedial account an amount equal
32 to ninety percent of the amount in excess of one hundred twenty
33 percent of the precorrective action value up to a maximum of
34 the expenses incurred by the remedial account associated with
35 the tank site plus interest, equal to the interest for the

1 most recent twelve-month period for the most recent bond issue
2 for the fund, on the expenses incurred, compounded annually.
3 An owner or operator under this subsection shall notify the
4 ~~board~~ department of the sale or transfer of the property
5 interest in the tank site. Expenses incurred by the fund are a
6 lien upon the property recordable and collectible in the same
7 manner as the lien provided for in section 424.11 at the time
8 of sale or transfer, subject to the terms of this section.

9 This subsection shall not apply if the sale or transfer
10 is pursuant to a power of eminent domain, or benefits. When
11 federal cleanup funds are recovered, the funds are to be
12 deposited to the remedial account of the fund and used solely
13 for the purpose of future cleanup activities.

14 7. *Expenses of cleanup not required.* When an owner or
15 operator who is eligible for benefits under this chapter is
16 allowed by the department ~~of natural resources~~ to monitor in
17 place, the expenses incurred for cleanup beyond the level
18 required by the department ~~of natural resources~~ are not covered
19 under any of the accounts established under the fund. The
20 cleanup expenses incurred for work completed beyond what is
21 required is the responsibility of the person contracting for
22 the excess cleanup.

23 10. *Expenses incurred by governmental subdivisions.* The
24 ~~board~~ commission may adopt rules for reimbursement for
25 reasonable expenses incurred by a governmental subdivision
26 for treating, handling, or disposing, as required by the
27 department, of petroleum-contaminated soil and groundwater
28 encountered in a public right-of-way during installation,
29 maintenance, or repair of a public improvement. The
30 ~~board~~ department may seek full recovery from a responsible
31 party liable for the release for such expenses and for
32 all other costs and reasonable attorney fees and costs of
33 litigation for which moneys are expended by the fund. Any
34 expense described in this subsection incurred by the fund
35 constitutes a lien upon the property from which the release

1 occurred. A lien shall be recorded and an expense shall be
2 collected in the same manner as provided in section 424.11.

3 Sec. 339. Section 455G.12, Code 2009, is amended to read as
4 follows:

5 **455G.12 Board Commission authority for prioritization.**

6 If the ~~board~~ commission determines that, within the realm
7 of sound business judgment and practice, prioritization of
8 assistance is necessary in light of funds available for loan
9 guarantees or insurance coverage, the ~~board~~ commission may
10 develop rules for assistance or coverage prioritization based
11 upon adherence or planned adherence of the owner or operator
12 to higher than minimum environmental protection and safety
13 compliance considerations.

14 Prior to the adoption of prioritization rules, the
15 ~~board~~ commission shall at minimum review the following issues:

16 1. The positive environmental impact of assistance
17 prioritization.

18 2. The economic feasibility, including the availability of
19 private financing, for an owner or operator to obtain priority
20 status.

21 3. Any negative impact on Iowa's rural petroleum
22 distribution network which could result from prioritization.

23 4. Any similar prioritization systems in use by the private
24 financing or insurance markets in this state, including terms,
25 conditions, or exclusions.

26 5. The intent of this chapter that the ~~board~~ commission
27 shall maximize the availability of reasonably priced,
28 financially sound insurance coverage or loan guarantee
29 assistance.

30 Sec. 340. Section 455G.12A, Code 2009, is amended to read
31 as follows:

32 **455G.12A Cost containment authority.**

33 1. *Validity of contracts.* A contract in which one of the
34 parties to the contract is an owner or operator of a petroleum
35 underground storage tank, for goods or services which may be

1 payable or reimbursable from the fund, is invalid unless and
2 until the ~~administrator~~ department has approved the contract
3 as fair and equitable to the tank owner or operator, and found
4 that the contract terms are within the range of usual and
5 customary rates for similar or equivalent goods or services
6 within the state, and found that the goods or services are
7 necessary for the owner or operator to comply with fund or
8 regulatory standards. An owner or operator may appoint the
9 ~~administrator~~ department as an agent for the purposes of
10 negotiating contracts with suppliers of goods or services
11 compensable by the fund. The ~~administrator~~ department may
12 select another contractor for goods or services other than
13 the one offered by the owner or operator, if the scope of the
14 proposed work or actual work of the offered contractor does not
15 reflect the quality of workmanship required, or the costs are
16 determined to be excessive.

17 2. *Contract approval.* In the course of review and
18 approval of a contract pursuant to this section, the
19 ~~administrator~~ department may require an owner or operator
20 to obtain and submit three bids, provided that the
21 ~~administrator~~ department coordinates bid submission with the
22 department. The ~~administrator~~ department may require specific
23 terms and conditions in a contract subject to approval.

24 The ~~board~~ department shall have authority to contract for
25 site cleanup reports. The ~~board's~~ department's responsibility
26 for site cleanup reports is limited to those site cleanup
27 reports subject to approval by the department ~~of natural~~
28 ~~resources~~ and required in connection with the remediation of a
29 release which is eligible for benefits under section 455G.9.
30 The site cleanup report shall address existing and available
31 remedial technologies and the costs associated with the use
32 of each technology. The ~~board~~ department shall not have the
33 authority to affect a contract which has been given written
34 approval under this section.

35 3. *Exclusive contracts.* The ~~administrator~~ department may

1 enter into a contract or an exclusive contract with the
 2 supplier of goods or services required by a class of tank
 3 owners or operators in connection with an expense payable or
 4 reimbursable from the fund, to supply a specified good or
 5 service for a gross maximum price, fixed rate, on an exclusive
 6 basis, or subject to another contract term or condition
 7 reasonably calculated to obtain goods or services for the
 8 fund or for tank owners and operators at a reasonable cost.
 9 A contract may provide for direct payment from the fund to a
 10 supplier.

11 The ~~administrator~~ department may retain, ~~subject to board~~
 12 ~~approval~~, an independent person to assist in the review of work
 13 required in connection with a release or tank system for which
 14 fund benefits are sought, and to establish prevailing cost of
 15 goods and services needed. Nothing in this section is intended
 16 to preempt the regulatory authority of the department.

17 4. *Prior approval by ~~administrator~~ department.* Unless
 18 emergency conditions exist, a contractor performing services
 19 pursuant to this section shall have the budget for the
 20 work approved by the ~~administrator~~ department prior to
 21 commencement of the work. No expense incurred which
 22 is above the budgeted amount shall be paid unless the
 23 ~~administrator~~ department approves such expense prior to its
 24 being incurred. All invoices or bills shall be submitted
 25 with appropriate documentation as deemed necessary by the
 26 ~~board~~ department, no later than thirty days after the work has
 27 been performed. Neither the ~~board~~ department nor an owner or
 28 operator is responsible for payment for work incurred which has
 29 not been previously approved by the ~~board~~ department.

30 Sec. 341. Section 455G.13, subsection 1, Code 2009, is
 31 amended to read as follows:

32 1. *Full recovery sought from owner.* The ~~board~~ department
 33 shall seek full recovery from the owner, operator, or other
 34 potentially responsible party liable for the released petroleum
 35 which is the subject of a corrective action, for which the fund

1 expends moneys for corrective action or third-party liability,
2 and for all other costs, including reasonable attorney fees and
3 costs of litigation for which moneys are expended by the fund
4 in connection with the release. When federal cleanup funds
5 are recovered, the funds are to be deposited to the remedial
6 account of the fund and used solely for the purpose of future
7 cleanup activities.

8 Sec. 342. Section 455G.13, subsection 2, paragraph a, Code
9 2009, is amended to read as follows:

10 a. ~~The board or the department of natural resources~~ shall
11 not seek recovery for expenses in connection with corrective
12 action for a release from an owner or operator eligible for
13 assistance under the remedial account except for any unpaid
14 portion of the deductible or copayment. This section does
15 not affect any authorization of the department ~~of natural~~
16 ~~resources~~ to impose or collect civil or administrative fines
17 or penalties or fees. The remedial account shall not be held
18 liable for any third-party liability.

19 Sec. 343. Section 455G.13, subsection 3, Code 2009, is
20 amended to read as follows:

21 3. *Owner or operator not in compliance, subject to full*
22 *and total cost recovery.* Notwithstanding subsection 2, the
23 liability of an owner or operator shall be the full and total
24 costs of corrective action and bodily injury or property damage
25 to third parties, as specified in subsection 1, if the owner
26 or operator has not complied with the financial responsibility
27 or other underground storage tank rules requirements of ~~the~~
28 ~~department of natural resources or with this chapter and rules~~
29 adopted under this chapter.

30 Sec. 344. Section 455G.13, subsection 4, paragraph a, Code
31 2009, is amended to read as follows:

32 a. Failed, without sufficient cause, to respond to a release
33 of petroleum from the tank upon, or in accordance with, a
34 notice issued by the director of the department ~~of natural~~
35 ~~resources~~.

1 Sec. 345. Section 455G.13, subsections 5, 6, 8, 9, 10, and
2 12, Code 2009, are amended to read as follows:

3 5. *Lien on tank site.* Any amount for which an owner or
4 operator is liable to the fund, if not paid when due, by
5 statute, rule, or contract, or determination of liability by
6 the ~~board or department of natural resources~~ after hearing,
7 shall constitute a lien upon the real property where the tank,
8 which was the subject of corrective action, is situated, and
9 the liability shall be collected in the same manner as the
10 environmental protection charge pursuant to section 424.11.

11 6. *Joinder of parties.* The department ~~of natural~~
12 ~~resources~~ has standing in any case or contested action related
13 to the fund or a tank to assert any claim that the department
14 may have regarding the tank at issue in the case or contested
15 action, upon motion and sufficient showing by a party to a cost
16 recovery or subrogation action provided for under this section,
17 the court or the administrative law judge shall join to the
18 action any potentially responsible party who may be liable for
19 costs and expenditures of the type recoverable pursuant to this
20 section.

21 8. *Third-party contracts not binding on ~~board~~ department,*
22 *proceedings against responsible party.* An insurance,
23 indemnification, hold harmless, conveyance, or similar
24 risk-sharing or risk-shifting agreement shall not be effective
25 to transfer any liability for costs recoverable under
26 this section. The fund, ~~board,~~ or department ~~of natural~~
27 ~~resources~~ may proceed directly against the owner or operator or
28 other allegedly responsible party. This section does not bar
29 any agreement to insure, hold harmless, or indemnify a party to
30 the agreement for any costs or expenditures under this chapter,
31 and does not modify rights between the parties to an agreement,
32 except to the extent the agreement shifts liability to an
33 owner or operator eligible for assistance under the remedial
34 account for any damages or other expenses in connection with
35 a corrective action for which another potentially responsible

1 party is or may be liable. Any such provision is null and void
2 and of no force or effect.

3 9. *Later proceedings permitted against other parties.* The
4 entry of judgment against a party to the action does not bar
5 a future action by the ~~board or the~~ department of ~~natural~~
6 ~~resources~~ against another person who is later alleged to be
7 or discovered to be liable for costs and expenditures paid by
8 the fund. Notwithstanding section 668.5 no other potentially
9 responsible party may seek contribution or any other recovery
10 from an owner or operator eligible for assistance under the
11 remedial account for damages or other expenses in connection
12 with corrective action for a release for which the potentially
13 responsible party is or may be liable. Subsequent successful
14 proceedings against another party shall not modify or reduce
15 the liability of a party against whom judgment has been
16 previously entered.

17 10. *Claims against potentially responsible parties.* Upon
18 payment by the fund for corrective action or third-party
19 liability pursuant to this chapter, the rights of the claimant
20 to recover payment from any potentially responsible party, are
21 assumed by the ~~board~~ department to the extent paid by the fund.
22 A claimant is precluded from receiving double compensation for
23 the same injury.

24 In an action brought pursuant to this chapter seeking
25 damages for corrective action or third-party liability, the
26 court shall permit evidence and argument as to the replacement
27 or indemnification of actual economic losses incurred or to be
28 incurred in the future by the claimant by reason of insurance
29 benefits, governmental benefits or programs, or from any other
30 source.

31 A claimant may elect to permit the ~~board~~ department to pursue
32 the claimant's cause of action for any injury not compensated
33 by the fund against any potentially responsible party, provided
34 the attorney general determines such representation would
35 not be a conflict of interest. If a claimant so elects, the

1 ~~board's~~ department's litigation expenses shall be shared on a
2 pro rata basis with the claimant, but the claimant's share of
3 litigation expenses is payable exclusively from any share of
4 the settlement or judgment payable to the claimant.

5 12. *Recovery or subrogation — installers and*
6 *inspectors.* Notwithstanding any other provision contained in
7 this chapter, the ~~board~~ department or a person insured under
8 the underground storage tank insurance fund established in
9 section 455G.11, Code 2003, has no right of recovery or right
10 of subrogation against an installer or an inspector who was
11 insured by the underground storage tank insurance fund for the
12 tank giving rise to the liability other than for recovery of
13 any deductibles paid.

14 Sec. 346. Section 455G.16, unnumbered paragraph 1, Code
15 2009, is amended to read as follows:

16 The ~~board~~ department may impose conditions on the
17 participation of a financial institution in the fund.
18 Conditions shall be reasonably intended to increase the
19 quantity of private capital available for loans to tank owners
20 or operators who are small businesses within the meaning of
21 section 455G.2. Additionally, the ~~board~~ department may offer
22 incentives to financial institutions meeting conditions imposed
23 by the ~~board~~ department. Incentives may include extended
24 fund coverage of corrective action or third-party liability
25 expenses, waiver of copayment or deductible requirements, or
26 other benefits not offered to other participants, if reasonably
27 intended to increase the quantity of private capital available
28 for loans by an amount greater than the increased costs of the
29 incentives to the fund.

30 Sec. 347. Section 455G.20, Code 2009, is amended to read as
31 follows:

32 **455G.20 Final approval.**

33 Notwithstanding any other provision to the contrary, the
34 ~~department of natural resources~~ shall have final approval for a
35 determination as to when remediation shall begin on a site.

1 Sec. 348. Section 455G.21, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. A marketability fund is created as a separate fund in
4 the state treasury under the control of the ~~board~~ department.
5 The ~~board~~ department shall administer the marketability
6 fund. Notwithstanding section 8.33, moneys remaining in
7 the marketability fund at the end of each fiscal year shall
8 not revert to the general fund but shall remain in the
9 marketability fund. The marketability fund shall include,
10 notwithstanding section 12C.7, interest earned by the
11 marketability fund or other income specifically allocated to
12 the marketability fund.

13 Sec. 349. Section 455G.21, subsection 2, paragraph a, Code
14 2009, is amended to read as follows:

15 a. The innocent landowners fund shall be established as a
16 separate fund in the state treasury under the control of the
17 ~~board~~ department. The innocent landowners fund shall include
18 any moneys recovered pursuant to cost recovery enforcement
19 under section 455G.13. Notwithstanding section 455G.1,
20 subsection 2, benefits for the costs of corrective action may
21 be provided to the owner of a petroleum-contaminated property,
22 or an owner or operator of an underground storage tank located
23 on the property, who is not otherwise eligible to receive
24 benefits under section 455G.9 due to the date on which the
25 release causing the contamination was reported or the date
26 the claim was filed. An owner of a petroleum-contaminated
27 property, or an owner or operator of an underground storage
28 tank located on the property, shall be eligible for payment
29 of corrective action costs subject to copayment requirements
30 under section 455G.9, subsection 4. The ~~board~~ commission may
31 adopt rules conditioning receipt of benefits under this
32 paragraph to those petroleum-contaminated properties which
33 present a higher degree of risk to the public health and
34 safety or the environment and may adopt rules providing for
35 denial of benefits under this paragraph to a person who did

1 not make a good faith attempt to comply with the provisions of
2 this chapter. This paragraph does not confer a legal right
3 to an owner of petroleum-contaminated property, or an owner
4 or operator of an underground storage tank located on the
5 property, for receipt of benefits under this paragraph.

6 Sec. 350. TRANSITION PROVISIONS.

7 1. This division of this Act and the transfer of
8 administrative duties to the department of natural resources
9 shall not constitute grounds for rescission or modification
10 of any contracts entered into by or on behalf of the Iowa
11 comprehensive petroleum underground storage tank fund board.

12 2. Any rule, regulation, form, order, or directive
13 promulgated by the Iowa comprehensive petroleum underground
14 storage tank fund board and in effect on the effective date
15 of this division of this Act shall continue in full force and
16 effect until amended, repealed, or supplemented by affirmative
17 action of the environmental protection commission under the
18 duties and powers of the commission as established in this
19 division of this Act and under the procedure established in
20 subsection 3.

21 Any license or permit issued by Iowa comprehensive petroleum
22 underground storage tank fund board and in effect on the
23 effective date of this division of this Act shall continue in
24 full force and effect until expiration or renewal.

25 3. In regard to updating references and format in the Iowa
26 administrative code in order to correspond to the restructuring
27 as established in this division of this Act, the administrative
28 rules coordinator and the administrative rules review
29 committee, in consultation with the administrative code editor,
30 shall jointly develop a schedule for the necessary updating of
31 the Iowa administrative code.

32 4. Any cause of action or statute of limitation relating
33 to the Iowa comprehensive petroleum underground storage tank
34 fund board shall not be affected as a result of the transfer
35 and such cause or statute of limitation shall apply to the

1 successor department or commission.

2 5. Any replacement of signs, logos, stationery, insignia,
3 uniforms, and related items that is made due to the effect of
4 this division of this Act should be done as part of the normal
5 replacement cycle for such items.

6 DIVISION XXII

7 ECONOMIC DEVELOPMENT — COMMITTEES AND COUNCILS

8 Sec. 351. Section 15.108, subsection 7, paragraph h, Code
9 2009, is amended by striking the paragraph.

10 Sec. 352. Section 15G.115, subsections 2 and 3, Code
11 Supplement 2009, are amended to read as follows:

12 2. *a.* Each application from a business for financial
13 assistance under the grow Iowa values financial assistance
14 program shall be reviewed by the due diligence committee
15 established by the board pursuant to section 15.103, subsection
16 6. The due diligence committee shall make a recommendation on
17 each application to the board.

18 ~~*b.* Each application from a business for financial assistance~~
19 ~~under the value-added agriculture component of the grow Iowa~~
20 ~~values financial assistance program shall be reviewed by the~~
21 ~~agricultural products advisory council established in section~~
22 ~~15.203, which shall make a recommendation on each application~~
23 ~~to the board.~~

24 *e. b.* Each application for financial assistance from funds
25 allocated by the department for deposit in the innovation
26 and commercialization development fund pursuant to section
27 15G.111, subsection 10, shall be reviewed by the technology
28 commercialization committee established in section 15.116,
29 which shall make a recommendation on each application to the
30 board.

31 3. In overseeing the administration of the grow Iowa values
32 fund and grow Iowa values financial assistance program pursuant
33 to this chapter, the board shall do all of the following:

34 *a.* At the first scheduled meeting of the board after the
35 start of a new fiscal year, take final action on all of the

1 following:

2 (1) The department's recommendations for the annual fiscal
3 year allocation of moneys in the fund, as provided in section
4 15G.111, subsection 4. The board may adjust the allocation of
5 moneys during the fiscal year as necessary.

6 (2) The department's recommendations for the allocation
7 of moneys among the program components referred to in section
8 15G.112, subsection 1, paragraph "b". The board may adjust the
9 allocation of moneys during the fiscal year as necessary.

10 b. Consider the recommendation of the due diligence
11 ~~committee and the agricultural products advisory council~~ on
12 each application for financial assistance, as described in
13 subsection 2, and take final action on each application.

14 c. Take final action on the required plans for proposed
15 expenditures submitted by the entities receiving moneys
16 allocated under section 15G.111, subsections 5 through 8.

17 d. Take final action on any rules recommended by the
18 department for the implementation of the provisions of this
19 chapter.

20 Sec. 353. REPEAL. Section 15.114, Code 2009, is repealed.

21 Sec. 354. REPEAL. Section 15.203, Code Supplement 2009, is
22 repealed.

23 DIVISION XXIII

24 CONSOLIDATION OF HOUSING PROGRAMS

25 Sec. 355. NEW SECTION. **16.41 Shelter assistance fund.**

26 1. A shelter assistance fund is created as a revolving
27 fund in the state treasury under the control of the authority
28 consisting of any moneys appropriated by the general assembly
29 and received under section 428A.8 for purposes of the
30 rehabilitation, expansion, or costs of operations of group home
31 shelters for the homeless and domestic violence shelters.

32 2. Of the moneys in the fund, not less than five hundred
33 forty-six thousand dollars shall be spent annually on homeless
34 shelter projects.

35 3. Notwithstanding section 8.33, all moneys in the shelter

1 assistance fund which remain unexpended or unobligated at the
2 close of the fiscal year shall not revert to the general fund
3 of the state but shall remain available for expenditure for
4 subsequent fiscal years.

5 Sec. 356. Section 428A.8, subsection 2, unnumbered
6 paragraph 1, Code 2009, is amended to read as follows:

7 The treasurer of state shall deposit or transfer the
8 receipts paid the treasurer of state pursuant to subsection
9 1 to either the general fund of the state, the housing trust
10 fund created in section 16.181, or the shelter assistance fund
11 created in section ~~15.349~~ 16.41 as follows:

12 Sec. 357. REPEAL. Section 15.349, Code 2009, is repealed.

13 Sec. 358. DEPARTMENTAL PROGRAM REVIEW — HOUSING PROGRAMS.

14 1. The department of economic development and the Iowa
15 finance authority shall conduct a joint review of programs
16 administered by the agencies that relate to housing, including
17 all such federal programs. The joint review of programs shall
18 include a review of all federal moneys received and spent on
19 housing programs. The agencies shall identify all programs
20 that are duplicative of another program and all programs that
21 have purposes similar to that of another program.

22 2. The agencies shall produce a report on how best to
23 transfer all responsibilities for housing-related programs from
24 the department of economic development to the Iowa finance
25 authority.

26 3. Within thirty days following the effective date of this
27 division of this Act, the agencies shall submit a joint written
28 report to the governor, the department of management, and the
29 general assembly consisting of the information required under
30 this section, a complete list of programs reviewed pursuant to
31 this section, and any other relevant information.

32 DIVISION XXIV

33 AREA EDUCATION AGENCIES

34 Sec. 359. Section 8D.5, subsection 1, Code 2009, is amended
35 by striking the subsection.

1 Sec. 360. Section 8D.5, subsection 2, Code 2009, is amended
2 to read as follows:

3 2. a. A regional telecommunications council is established
4 in each of the merged areas established pursuant to chapter
5 260C consisting of nine members, including one member each
6 to be appointed by each of the ~~appointing authorities under~~
7 ~~subsection 1~~ following: the state board of regents, the
8 Iowa association of community college trustees, the area
9 education agency boards, the Iowa association of school
10 boards, the school administrators of Iowa, the Iowa association
11 of independent colleges and universities, the Iowa state
12 education association, the Iowa association of nonpublic
13 school administrators, and the administrator of the public
14 broadcasting division of the department of education.
15 Additional ex officio, nonvoting members may also be appointed
16 to the regional telecommunications councils by the director of
17 the department of education.

18 b. The regional telecommunications councils shall ~~advise~~
19 ~~the education telecommunications council on the assessment~~
20 ~~of assess~~ local educational needs, and the coordination
21 ~~of coordinate~~ program activities including scheduling,
22 and shall advise the department of administrative services
23 and the department of education regarding local education
24 needs and program activities. The councils shall establish
25 scheduling and site usage policies for educational users of
26 the network and develop proposed rules and changes to rules
27 for recommendation to the commission. The councils shall
28 also recommend long-range plans for enhancements needed for
29 educational applications.

30 c. The community college located in the merged area of a
31 regional telecommunications council shall staff and facilitate
32 the activities of the council. The community college and
33 the council may enter into a chapter 28E agreement for such
34 arrangement.

1 Sec. 361. Section 8D.8, Code 2009, is amended to read as
2 follows:

3 **8D.8 Scheduling for authorized users.**

4 ~~Except as provided in section 8D.5, an~~ An authorized user
5 is responsible for all scheduling of the use of the authorized
6 user's facility. A person who disputes a scheduling decision
7 of such user may petition the commission for a review of such
8 decision pursuant to section 8D.3, subsection 3, paragraph "c".

9 Sec. 362. Section 8D.13, subsection 8, Code 2009, is amended
10 to read as follows:

11 8. ~~The education~~ Each regional telecommunications
12 council shall review all requests for grants for educational
13 telecommunications applications from applicants within its
14 merged area, if they are a part of the Iowa communications
15 network, to ensure that the educational telecommunications
16 application is consistent with the telecommunications plan.
17 All other grant requests shall be reviewed as determined by
18 the commission. If the ~~education~~ regional telecommunications
19 council finds that a grant request is inconsistent with
20 the telecommunications plan, the grant request shall not be
21 allowed.

22 Sec. 363. Section 280.20, subsection 3, Code 2009, is
23 amended by striking the subsection.

24 Sec. 364. REPEAL. Chapters 261D and 280A, Code and Code
25 Supplement 2009, are repealed.

26 Sec. 365. REPEAL. Section 256.32, Code 2009, is repealed.

27 Sec. 366. AREA EDUCATION AGENCIES AND REGIONAL EDUCATION
28 OFFICE TRANSITION PLANNING.

29 1. It is the intent of the general assembly to dissolve
30 the current area education agency system by July 1, 2011; to
31 transfer the functions, facilities, equipment, programs, and
32 staff of the area education agency system to the department of
33 education; and to create within the department a bureau and
34 system of regional education offices that provide programs and
35 services to the school districts and children of Iowa in an

1 efficient, consistent manner.

2 2. The director of the department of education, in
3 consultation with the directors of the departments of
4 administrative services and management or the directors'
5 designees, persons representing the administrators and boards
6 of directors of the area education agencies, and persons
7 representing other interested stakeholders, shall develop
8 a transition plan that provides for the dissolution of the
9 area education agency system and for the efficient transition
10 of area education agency functions, facilities, equipment,
11 programs, and staff by July 1, 2011, to a bureau of regional
12 education offices, to be administered by the department of
13 education to provide support functions and services in a more
14 efficient, consistent manner.

15 3. The director of the department of education shall do all
16 of the following:

17 a. Develop detailed studies of the facilities, property,
18 services, staffing necessities, equipment, programs, and other
19 capabilities available in the area education agency system.

20 b. Survey the school districts to determine the districts'
21 current and future programs and services, professional
22 development, and technology needs.

23 c. Set forth the assets and liabilities of the area
24 education agencies.

25 4. The plan shall include but not be limited to all of the
26 following:

27 a. The number, which shall not exceed nine, and the
28 locations of the regional education offices, which shall be
29 located throughout the state to provide for the most efficient
30 and consistent program and service delivery.

31 b. The employment by the department of education of regional
32 education office staff under the state merit system established
33 pursuant to chapter 8A, subchapter IV.

34 c. A review of area education agency administrative costs
35 and budgets and a proposal for an organizational chart for

1 the planned bureau of regional education offices and the
2 regional education offices similar to the administrative and
3 organizational structure of the department of education.

4 d. A description of the steps a proposed bureau of
5 regional education offices and the proposed regional education
6 offices can take to improve efficiency and effectiveness of
7 programs currently provided by area education agencies to meet
8 accreditation standards.

9 e. A preliminary annual budget for the proposed bureau and
10 regional education offices estimating income and expenditures
11 for programs and services as provided in sections 273.1 through
12 273.9 and chapter 256B within the limits of funds provided
13 under section 256B.9 and chapter 257.

14 f. A description of the current area education agency
15 collective bargaining agreements, including but not limited to
16 the benefits and terms of the agreements.

17 g. Recommendations for policy and statutory changes for
18 implementation of the bureau and regional education offices
19 system.

20 h. Recommendations for limited options in elective services
21 to promote economical operation and the attainment of higher
22 standards of educational services for the schools.

23 i. A proposal for a funding model which combines a line item
24 contained in the annual appropriation for the department of
25 education with local funding for the support and operations of
26 the proposed bureau and regional education offices.

27 j. A proposal for the management of the assets and
28 liabilities of the dissolving area education agency system.

29 5. The director shall submit the transition plan to the
30 general assembly and the governor by October 1, 2010.

31 DIVISION XXV

32 HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES

33 Sec. 367. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN
34 SERVICES PROGRAMS. The department of human services shall
35 develop and implement strategies to increase efficiencies by

1 reducing paperwork, decreasing staff time, and providing more
 2 streamlined services to the public relative to programs under
 3 the purview of the department. Such strategies may include
 4 but are not limited to simplifying and reducing duplication in
 5 eligibility determinations among programs by utilizing the same
 6 eligibility processes across programs to the extent allowed by
 7 federal law. The department shall provide a progress report
 8 to the joint appropriations subcommittee on health and human
 9 services on a quarterly basis.

10 Sec. 368. PHARMACEUTICAL IMPROVEMENTS. The department
 11 of human services, department of public health, department
 12 of corrections, department of management, and any
 13 other appropriate agency shall review the provision of
 14 pharmaceuticals to populations they serve and programs under
 15 their respective purview to determine efficiencies in the
 16 purchase of pharmaceuticals. The departments shall develop
 17 strategies to implement efficiencies and reduce costs to the
 18 state, and shall determine any changes in state law or approval
 19 from the federal government necessary to implement any strategy
 20 identified.

21 DIVISION XXVI

22 HOSPITAL LICENSING BOARD

23 Sec. 369. Section 135B.5, subsection 1, Code 2009, is
 24 amended to read as follows:

25 1. Upon receipt of an application for license and the
 26 license fee, the department shall issue a license if the
 27 applicant and hospital facilities comply with this chapter
 28 and the rules of the department. Each licensee shall receive
 29 annual reapproval upon payment of five hundred dollars and
 30 upon filing of an application form which is available from the
 31 department. The annual licensure fee shall be dedicated to
 32 support and provide educational programs on regulatory issues
 33 for hospitals licensed under this chapter ~~in consultation~~
 34 ~~with the hospital licensing board~~. Licenses shall be either
 35 general or restricted in form. Each license shall be issued

1 only for the premises and persons or governmental units named
2 in the application and is not transferable or assignable except
3 with the written approval of the department. Licenses shall
4 be posted in a conspicuous place on the licensed premises as
5 prescribed by rule of the department.

6 Sec. 370. Section 135B.7, subsection 1, paragraph a, Code
7 Supplement 2009, is amended to read as follows:

8 a. The department, with the advice ~~and approval of the~~
9 ~~hospital licensing board~~ and approval of the state board of
10 health, shall adopt rules setting out the standards for the
11 different types of hospitals to be licensed under this chapter.
12 The department shall enforce the rules.

13 Sec. 371. REPEAL. Section 135B.10, Code 2009, is repealed.

14 Sec. 372. REPEAL. Section 135B.11, Code Supplement 2009,
15 is repealed.

16 DIVISION XXVII

17 CHILD SUPPORT

18 Sec. 373. Section 252D.17, Code 2009, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 13. The department shall establish
21 criteria and a phased-in schedule to require, no later than
22 June 30, 2015, payors of income to electronically transmit
23 the amounts withheld under an income withholding order. The
24 department shall assist payors of income in complying with
25 the required electronic transmission, and shall adopt rules
26 setting forth procedures for use in electronic transmission of
27 funds, and exemption from use of electronic transmission taking
28 into consideration any undue hardship electronic transmission
29 creates for payors of income.

30 DIVISION XXVIII

31 FALSE CLAIMS ACT

32 Sec. 374. NEW SECTION. 685.1 Definitions.

33 As used in this chapter, unless the context otherwise
34 requires:

35 1. "*Claim*" means any request or demand for money, property,

1 or services made to any employee, officer, or agent of the
2 state, or to any contractor, grantee, or other recipient,
3 whether under contract or not, if any portion of the money,
4 property, or services requested or demanded issued from, or
5 was provided by, the state, or if the state will reimburse the
6 contractor, grantee, or other recipient for any portion of the
7 money or property which is requested or demanded.

8 2. "*Employer*" means any natural person, corporation, firm,
9 association, organization, partnership, business, trust, or
10 state-affiliated entity involved in a nongovernmental function,
11 including state universities and state hospitals.

12 3. a. "*Knowing*" or "*knowingly*" means that a person, with
13 respect to information, does any of the following:

14 (1) Has actual knowledge of the information.

15 (2) Acts in deliberate ignorance of the truth or falsity of
16 the information.

17 (3) Acts in reckless disregard of the truth or falsity of
18 the information.

19 b. "*Knowing*" or "*knowingly*" with respect to information does
20 not require proof of specific intent to defraud.

21 4. "*Qui tam plaintiff*" means a private plaintiff who brings
22 an action under this chapter on behalf of the state.

23 Sec. 375. NEW SECTION. 685.2 Acts subjecting person to
24 treble damages, costs, and civil penalties — exceptions.

25 1. A person who commits any of the following acts is liable
26 to the state for three times the amount of damages which the
27 state sustains because of the act of that person. A person who
28 commits any of the following acts shall also be liable to the
29 state for the costs of a civil action brought to recover any of
30 those penalties or damages, and shall be liable to the state
31 for a civil penalty of not less than five thousand dollars and
32 not more than ten thousand dollars for each violation:

33 a. Knowingly presents or causes to be presented to any
34 employee, officer, or agent of the state, or to any contractor,
35 grantee, or other recipient of state funds, a false or

1 fraudulent claim for payment or approval.

2 *b.* Knowingly makes, uses, or causes to be made or used, a
3 false record or statement to get a false or fraudulent claim
4 paid or approved.

5 *c.* Conspires to defraud the state by getting a false claim
6 allowed or paid, or conspires to defraud the state by knowingly
7 making, using, or causing to be made or used, a false record or
8 statement to conceal, avoid, or decrease an obligation to pay
9 or transmit money or property to the state.

10 *d.* Has possession, custody, or control of public property or
11 money used or to be used by the state and knowingly delivers or
12 causes to be delivered less property than the amount for which
13 the person receives a certificate or receipt.

14 *e.* Is authorized to make or deliver a document certifying
15 receipt of property used or to be used by the state and
16 knowingly makes or delivers a receipt that falsely represents
17 the property used or to be used.

18 *f.* Knowingly buys, or receives as a pledge of an obligation
19 or debt, public property from any person who lawfully may not
20 sell or pledge the property.

21 *g.* Knowingly makes, uses, or causes to be made or used, a
22 false record or statement to conceal, avoid, or decrease an
23 obligation to pay or transmit money or property to the state.

24 *h.* Is a beneficiary of an inadvertent submission of a false
25 claim to any employee, officer, or agent of the state, or to
26 any contractor, grantee, or other recipient of state funds,
27 subsequently discovers the falsity of the claim, and fails
28 to disclose the false claim to the attorney general within a
29 reasonable time after discovery of the false claim.

30 2. Notwithstanding subsection 1, the court may assess
31 not less than two times the amount of damages which the
32 state sustains because of the act of the person described in
33 subsection 1, and no civil penalty, if the court finds all of
34 the following:

35 *a.* The person committing the violation furnished the

1 attorney general with all information known to that person
2 about the violation within thirty days after the date on which
3 the person first obtained the information.

4 *b.* The person fully cooperated with any investigation by the
5 attorney general.

6 *c.* At the time the person furnished the attorney general
7 with information about the violation, a criminal prosecution,
8 civil action, or administrative action had not commenced
9 with respect to the violation, and the person did not have
10 actual knowledge of the existence of an investigation into the
11 violation.

12 3. This section shall not apply to claims, records, or
13 statements made under Title X relating to state revenue and
14 taxation.

15 Sec. 376. NEW SECTION. 685.3 Investigations and
16 prosecutions — powers of prosecuting authority — civil actions
17 by individuals as qui tam plaintiffs and as private citizens —
18 jurisdiction of courts.

19 1. The attorney general shall diligently investigate a
20 violation under section 685.2. If the attorney general finds
21 that a person has violated or is violating section 685.2, the
22 attorney general may bring a civil action under this section
23 against that person.

24 2. *a.* A person may bring a civil action for a violation of
25 this chapter for the person and for the state in the name of
26 the state. The person bringing the action shall be referred
27 to as the qui tam plaintiff. Once filed, the action may be
28 dismissed only with the written consent of the court, taking
29 into account the best interest of the parties involved and the
30 public purposes behind this chapter.

31 *b.* A copy of the complaint and written disclosure of
32 substantially all material evidence and information the
33 person possesses shall be served on the attorney general. The
34 complaint shall also be filed in camera, shall remain under
35 seal for at least sixty days, and shall not be served on the

1 defendant until the court so orders. The attorney general may
2 elect to intervene and proceed with the action within sixty
3 days after the attorney general receives both the complaint and
4 the material evidence and the information.

5 *c.* The attorney general may, for good cause shown, move the
6 court for extensions of the time during which the complaint
7 remains under seal under paragraph "*b*". Any such motions may be
8 supported by affidavits or other submissions in camera. The
9 defendant shall not be required to respond to any complaint
10 filed under this section until after the complaint is unsealed
11 and served upon the defendant pursuant to rules of civil
12 procedure.

13 *d.* Before the expiration of the sixty-day period or any
14 extensions obtained under paragraph "*c*", the attorney general
15 shall do one of the following:

16 (1) Proceed with the action, in which case the action shall
17 be conducted by the attorney general.

18 (2) Notify the court that the attorney general declines to
19 take over the action, in which case the person bringing the
20 action shall have the right to conduct the action.

21 *e.* When a person brings a valid action under this section,
22 no person other than the attorney general may intervene or
23 bring a related action based on the facts underlying the
24 pending action.

25 3. *a.* If the attorney general proceeds with the action,
26 the attorney general shall have the primary responsibility for
27 prosecuting the action, and shall not be bound by an act of
28 the person bringing the action. Such person shall have the
29 right to continue as a party to the action, subject to the
30 limitations specified in paragraph "*b*".

31 *b.* (1) The attorney general may move to dismiss the action
32 for good cause notwithstanding the objections of the qui tam
33 plaintiff if the qui tam plaintiff has been notified by the
34 attorney general of the filing of the motion and the court has

1 provided the qui tam plaintiff with an opportunity to oppose
2 the motion and present evidence at a hearing.

3 (2) The attorney general may settle the action with the
4 defendant notwithstanding the objections of the qui tam
5 plaintiff if the court determines, after a hearing providing
6 the qui tam plaintiff an opportunity to present evidence, that
7 the proposed settlement is fair, adequate, and reasonable under
8 all of the circumstances.

9 (3) Upon a showing by the attorney general that unrestricted
10 participation during the course of the litigation by the
11 person initiating the action would interfere with or unduly
12 delay the attorney general's prosecution of the case, or would
13 be repetitious, irrelevant, or for purposes of harassment,
14 the court may, in its discretion, impose limitations on the
15 person's participation, including but not limited to any of the
16 following:

17 (a) Limiting the number of witnesses the person may call.

18 (b) Limiting the length of the testimony of such witnesses.

19 (c) Limiting the person's cross-examination of witnesses.

20 (d) Otherwise limiting the participation by the person in
21 the litigation.

22 (4) Upon a showing by the defendant that unrestricted
23 participation during the course of the litigation by the person
24 initiating the action would be for purposes of harassment or
25 would cause the defendant undue burden or unnecessary expense,
26 the court may limit the participation by the person in the
27 litigation.

28 c. If the attorney general elects not to proceed with the
29 action, the person who initiated the action shall have the
30 right to conduct the action. If the attorney general requests,
31 the attorney general shall be served with copies of all
32 pleadings filed in the action and shall be supplied with copies
33 of all deposition transcripts at the state's expense. When a
34 person proceeds with the action, the court, without limiting
35 the status and rights of the person initiating the action, may

1 permit the attorney general to intervene at a later date upon a
2 showing of good cause.

3 *d.* Whether or not the attorney general proceeds with the
4 action, upon a showing by the attorney general that certain
5 actions of discovery by the person initiating the action
6 would interfere with the attorney general's investigation or
7 prosecution of a criminal or civil matter arising out of the
8 same facts, the court may stay such discovery for a period of
9 not more than sixty days. Such a showing shall be conducted
10 in camera. The court may extend the sixty-day period upon
11 a further showing in camera that the attorney general has
12 pursued the criminal or civil investigation or proceedings
13 with reasonable diligence and any proposed discovery in the
14 civil action will interfere with the ongoing criminal or civil
15 investigation or proceedings.

16 *e.* Notwithstanding subsection 2, the attorney general may
17 elect to pursue the state's claim through any alternate remedy
18 available to the state, including any administrative proceeding
19 to determine a civil penalty. If any such alternate remedy
20 is pursued in another proceeding, the person initiating the
21 action shall have the same rights in such proceeding as such
22 person would have had if the action had continued under this
23 section. Any finding of fact or conclusion of law made in
24 such other proceeding that has become final with respect to
25 a party who is also a party to an action under this section,
26 shall be conclusive as to all such parties to an action under
27 this section. For purposes of this paragraph, a finding or
28 conclusion is final if it has been finally determined on appeal
29 to the appropriate court of the state, if all time for filing
30 such an appeal with respect to the finding or conclusion has
31 expired, or if the finding or conclusion is not subject to
32 judicial review.

33 4. *a.* (1) If the attorney general proceeds with an action
34 brought by a person under subsection 2, the person shall,
35 subject to subparagraph (2), receive at least fifteen percent

1 but not more than twenty-five percent of the proceeds of the
2 action or settlement of the claim, which includes damages,
3 civil penalties, payments for costs of compliance, and any
4 other economic benefit realized by the state or federal
5 government as a result of the action, depending upon the
6 extent to which the person substantially contributed to the
7 prosecution of the action.

8 (2) If the action is one which the court finds to be
9 based primarily on disclosures of specific information, other
10 than information provided by the person bringing the action,
11 relating to allegations or transactions specifically in a
12 criminal, civil, or administrative hearing, or in a legislative
13 or administrative report, hearing, audit, or investigation, or
14 from the news media, the court may award an amount the court
15 considers appropriate, but in no case more than ten percent
16 of the proceeds, taking into account the significance of the
17 information and the role of the person bringing the action in
18 advancing the case to litigation.

19 (3) Any payment to a person under subparagraph (1) or (2)
20 shall be made from the proceeds. Any such person shall also
21 receive an amount for reasonable expenses which the appropriate
22 court finds to have been necessarily incurred, plus reasonable
23 attorney fees and costs. All such expenses, fees, and costs
24 shall be awarded against the defendant.

25 *b.* If the attorney general does not proceed with an action
26 under this section, the person bringing the action or settling
27 the claim shall receive an amount which the court decides is
28 reasonable for collecting the civil penalty and damages. The
29 amount shall be not less than twenty-five percent and not more
30 than thirty percent of the proceeds of the action or settlement
31 and shall be paid out of such proceeds, which includes damages,
32 civil penalties, payments for costs of compliance, and any
33 other economic benefit realized by the state or federal
34 government as a result of the action. Such person shall also
35 receive an amount for reasonable expenses which the appropriate

1 court finds to have been necessarily incurred, plus reasonable
2 attorney fees and costs. All such expenses, fees, and costs
3 shall be awarded against the defendant.

4 *c.* Whether or not the attorney general proceeds with the
5 action, if the court finds that the action was brought by a
6 person who planned and initiated the violation of section
7 685.2 upon which the action was brought, the court may, to the
8 extent the court considers appropriate, reduce the share of
9 the proceeds of the action which the person would otherwise
10 receive under paragraph "a" or "b", taking into account the
11 role of that person in advancing the case to litigation and any
12 relevant circumstances pertaining to the violation. If the
13 person bringing the action is convicted of criminal conduct
14 arising from the person's role in the violation of section
15 685.2, the person shall be dismissed from the civil action and
16 shall not receive any share of the proceeds of the action.
17 Such dismissal shall not prejudice the right of the attorney
18 general to continue the action.

19 *d.* If the attorney general does not proceed with the action
20 and the person bringing the action conducts the action, the
21 court may award to the defendant reasonable attorney fees and
22 expenses if the defendant prevails in the action and the court
23 finds that the claim of the person bringing the action was
24 clearly frivolous, clearly vexatious, or brought primarily for
25 purposes of harassment.

26 5. *a.* A court shall not have jurisdiction over an action
27 brought under subsection 2 against a member of the general
28 assembly, a member of the judiciary, or an executive branch
29 official if the action is based on evidence or information
30 known to the attorney general when the action was brought.

31 *b.* A person shall not bring an action under subsection 2
32 which is based upon allegations or transactions which are the
33 subject of a civil suit or an administrative civil penalty
34 proceeding in which the state is already a party.

35 *c.* Upon motion of the attorney general, the court may in

1 consideration of all the equities, dismiss a qui tam plaintiff
2 if the elements of the actionable false claims alleged in the
3 qui tam complaint have been publicly disclosed specifically
4 in the news media or in a publicly disseminated governmental
5 report, at the time the complaint is filed.

6 *d.* The state is not liable for expenses which a person
7 incurs in bringing an action under this section.

8 6. Any employee who is discharged, demoted, suspended,
9 threatened, harassed, or in any other manner discriminated
10 against in the terms and conditions of employment by the
11 person's employer because of lawful acts performed by the
12 employee on behalf of the employee or others in furtherance
13 of an action under this section, including investigation for,
14 initiation of, testimony for, or assistance in an action filed
15 or to be filed under this section, shall be entitled to all
16 relief necessary to make the employee whole. Such relief
17 shall include reinstatement with the same seniority status
18 such employee would have had but for the discrimination, two
19 times the amount of back pay, interest on the back pay, and
20 compensation for any special damages sustained as a result of
21 the discrimination, including litigation costs and reasonable
22 attorney fees. An employee may bring an action in the
23 appropriate court of the state for the relief provided in this
24 subsection.

25 Sec. 377. NEW SECTION. 685.4 Limitation of actions —
26 burden of proof.

27 1. A civil action under section 685.3 shall not be brought
28 more than ten years after the date on which the violation was
29 committed.

30 2. A civil action under section 685.3 may be brought based
31 on activity prior to January 1, 2007, if the limitations period
32 pursuant to subsection 1 has not lapsed.

33 3. In any action brought under section 685.3, the attorney
34 general or the qui tam plaintiff shall be required to prove all
35 essential elements of the cause of action, including damages,

1 by a preponderance of the evidence.

2 4. Notwithstanding any other provision of law, a guilty
3 verdict rendered in a criminal proceeding charging false
4 statements or fraud, whether upon a verdict after trial or upon
5 a plea of guilty or nolo contendere, shall estop the defendant
6 from denying the essential elements of the offense in any
7 action which involves the same transaction as in the criminal
8 proceeding and which is brought under section 685.3, subsection
9 1, 2, or 3.

10 Sec. 378. NEW SECTION. 685.5 Remedies under other laws —
11 application.

12 1. The provisions of this chapter are not exclusive, and the
13 remedies provided for in this chapter shall be in addition to
14 any other remedies provided for in any other law or available
15 under common law.

16 2. This chapter shall be liberally construed and applied
17 to promote the public interest. This chapter shall also
18 be construed and applied in a manner that reflects the
19 congressional intent behind the federal False Claims Act,
20 31 U.S.C. § 3729-3733, including the legislative history
21 underlying the 1986 amendments to the federal False Claims Act.

22 Sec. 379. NEW SECTION. 685.6 Venue.

23 An action brought under this chapter may be brought in any
24 judicial district in which the defendant or, in the case of
25 multiple defendants, any one defendant can be found, resides,
26 transacts business, or in which any act proscribed under this
27 chapter occurred. A summons as required by the rules of civil
28 procedure shall be issued by the appropriate district court and
29 service at any place within or outside the United States.

30 Sec. 380. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
31 APPLICABILITY. This division of this Act, being deemed of
32 immediate importance, takes effect upon enactment and applies
33 retroactively to January 1, 2007.

34 DIVISION XXIX

35 MEDICAID PRESCRIPTION DRUGS

1 Sec. 381. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING. The
2 department shall adopt rules pursuant to chapter 17A to
3 restrict physicians and other prescribers to prescribing not
4 more than a 72-hour or three-day supply of a prescription drug
5 not included on the medical assistance preferred drug list
6 while seeking approval to continue prescribing the medication.

7 Sec. 382. MEDICAID MENTAL HEALTH MEDICATIONS. The
8 department shall adopt rules pursuant to chapter 17A to require
9 that unless the manufacturer of a chemically unique mental
10 health prescription drug enters into a contract to provide the
11 state with a supplemental rebate, the drug shall be placed on
12 the nonpreferred drug list and subject to prior authorization
13 before a medical assistance program recipient is able to obtain
14 the drug.

15 DIVISION XXX

16 MEDICAID DISEASE MANAGEMENT

17 Sec. 383. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The
18 department of human services shall design and implement a
19 disease management program for children to address the most
20 prevalent chronic diseases among children in Iowa. The program
21 may include technology-based disease management, in-person or
22 telephonic care management, self-management strategies, and
23 health literacy education and training.

24 DIVISION XXXI

25 MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS

26 Sec. 384. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
27 PAYMENTS — REVIEW. The department of human services shall
28 evaluate payment records and determine the proper mechanism
29 to trigger a review of payments for services provided under a
30 home and community-based services waiver that are in excess of
31 the median amount for payments through the waivers. Following
32 development of the trigger mechanism, the department shall
33 require advance approval for services for which payment is
34 projected to exceed the median.

35 DIVISION XXXII

DIVESTITURE — MEDICAID PROGRAM

1
2 Sec. 385. Section 249F.1, subsection 2, paragraph a, Code
3 2009, is amended to read as follows:

4 *a. "Transfer of assets"* means any transfer or assignment
5 of a legal or equitable interest in property, as defined in
6 section 702.14, from a transferor to a transferee for less than
7 fair consideration, made while the transferor is receiving
8 medical assistance or within five years prior to application
9 for medical assistance by the transferor. Any such transfer
10 or assignment is presumed to be made with the intent, on the
11 part of the transferee; transferor; or another person acting
12 on behalf of a transferor who is an actual or implied agent,
13 guardian, attorney-in-fact, or person acting as a fiduciary,
14 of enabling the transferor to obtain or maintain eligibility
15 for medical assistance or of impacting the recovery or payment
16 of a medical assistance debt. This presumption is rebuttable
17 only by clear and convincing evidence that the transferor's
18 eligibility or potential eligibility for medical assistance or
19 the impact on the recovery or payment of a medical assistance
20 debt was no part of the ~~transferee's~~ reason of the transferee;
21 transferor; or other person acting on behalf of a transferor
22 who is an actual or implied agent, guardian, attorney-in-fact,
23 or person acting as a fiduciary for making or accepting the
24 transfer or assignment. A transfer of assets includes a
25 transfer of an interest in the transferor's home, domicile, or
26 land appertaining to such home or domicile while the transferor
27 is receiving medical assistance, unless otherwise exempt under
28 paragraph "b".

29 Sec. 386. Section 249F.1, subsection 2, paragraph b,
30 subparagraph (6), Code 2009, is amended to read as follows:

31 (6) Transfers of assets that would, at the time of the
32 transferor's application for medical assistance, have been
33 exempt from consideration as a resource if retained by the
34 transferor, pursuant to 42 U.S.C. § 1382b(a), as implemented
35 by regulations adopted by the secretary of the United States

1 department of health and human services, excluding the home and
2 land appertaining to the home.

3 DIVISION XXXIII

4 CHILD CARE ADVISORY COMMITTEE

5 Sec. 387. NEW SECTION. 135.173A Child care advisory
6 committee.

7 1. The early childhood Iowa council shall establish a state
8 child care advisory committee as part of the council. The
9 advisory committee shall advise and make recommendations to the
10 governor, general assembly, department of human services, and
11 other state agencies concerning child care.

12 2. The membership of the advisory committee shall consist of
13 a broad spectrum of parents and other persons from across the
14 state with an interest in or involvement with child care.

15 3. Except as otherwise provided, the voting members of
16 the advisory committee shall be appointed by the council
17 from a list of names submitted by a nominating committee to
18 consist of one member of the advisory committee, one member
19 of the department of human services' child care staff, three
20 consumers of child care, and one member of a professional child
21 care organization. Two names shall be submitted for each
22 appointment. The voting members shall be appointed for terms
23 of three years.

24 4. The voting membership of the advisory committee shall be
25 appointed in a manner so as to provide equitable representation
26 of persons with an interest in child care and shall include all
27 of the following:

28 a. Two parents of children served by a registered child
29 development home.

30 b. Two parents of children served by a licensed center.

31 c. Two not-for-profit child care providers.

32 d. Two for-profit child care providers.

33 e. One child care home provider.

34 f. Three child development home providers.

35 g. One child care resource and referral service grantee.

- 1 *h.* One nongovernmental child advocacy group representative.
- 2 *i.* One designee of the department of human services.
- 3 *j.* One designee of the Iowa department of public health.
- 4 *k.* One designee of the department of education.
- 5 *l.* One head start program provider.
- 6 *m.* One person who is a business owner or executive officer
- 7 from nominees submitted by the Iowa chamber of commerce
- 8 executives.
- 9 *n.* One designee of the community empowerment office of the
- 10 department of management.
- 11 *o.* One person who is a member of the Iowa afterschool
- 12 alliance.
- 13 *p.* One person who is part of a local program implementing
- 14 the statewide preschool program for four-year-old children
- 15 under chapter 256C.
- 16 *q.* One person who represents the early childhood Iowa
- 17 council.
- 18 5. In addition to the voting members of the advisory
- 19 committee, the membership shall include four legislators as
- 20 ex officio, nonvoting members. The four legislators shall
- 21 be appointed one each by the majority leader of the senate,
- 22 the minority leader of the senate, the speaker of the house
- 23 of representatives, and the minority leader of the house of
- 24 representatives for terms as provided in section 69.16B.
- 25 6. In fulfilling the advisory committee's role, the
- 26 committee shall do all of the following:
- 27 *a.* Consult with the department of human services and make
- 28 recommendations concerning policy issues relating to child
- 29 care.
- 30 *b.* Advise the department of human services concerning
- 31 services relating to child care, including but not limited to
- 32 any of the following:
- 33 (1) Resource and referral services.
- 34 (2) Provider training.
- 35 (3) Quality improvement.

1 (4) Public-private partnerships.

2 (5) Standards review and development.

3 (6) The federal child care and development block grant,
4 state funding, grants, and other funding sources for child
5 care.

6 c. Assist the department of human services in developing an
7 implementation plan to provide seamless service to recipients
8 of public assistance, which includes child care services.
9 For the purposes of this subsection, "*seamless service*"
10 means coordination, where possible, of the federal and state
11 requirements which apply to child care.

12 d. Advise and provide technical services to the director of
13 the department of education or the director's designee relating
14 to prekindergarten, kindergarten, and before and after school
15 programming and facilities.

16 e. Make recommendations concerning child care expansion
17 programs that meet the needs of children attending a core
18 education program by providing child care before and after the
19 core program hours and during times when the core program does
20 not operate.

21 f. Make recommendations for improving collaborations
22 between the child care programs involving the department of
23 human services and programs supporting the education and
24 development of young children including but not limited to the
25 federal head start program, the statewide preschool program for
26 four-year-old children and the early childhood, at-risk, and
27 other early education programs administered by the department
28 of education.

29 g. Make recommendations for eliminating duplication and
30 otherwise improving the eligibility determination processes
31 used for the state child care assistance program and other
32 programs supporting low-income families, including but not
33 limited to the federal head start, early head start, and even
34 start programs; the early childhood, at-risk, and preschool
35 programs administered by the department of education; the

1 family and self-sufficiency grant program; and the family
2 investment program.

3 *h.* Make recommendations as to the most effective and
4 efficient means of managing the state and federal funding
5 available for the state child care assistance program.

6 *i.* Review program data from the department of human services
7 and other departments concerning child care as deemed to be
8 necessary by the advisory committee, although a department
9 shall not provide personally identifiable data or information.

10 *j.* Advise and assist the early childhood Iowa council in
11 developing the strategic plan required pursuant to section
12 135.173.

13 7. The department of human services shall provide
14 information to the advisory committee semiannually on all of
15 the following:

16 *a.* Federal, state, local, and private revenues and
17 expenditures for child care, including but not limited to
18 updates on the current and future status of the revenues and
19 expenditures.

20 *b.* Financial information and data relating to regulation of
21 child care by the department of human services and the usage of
22 the state child care assistance program.

23 *c.* Utilization and availability data relating to child care
24 regulation, quantity, and quality from consumer and provider
25 perspectives.

26 *d.* Statistical and demographic data regarding child care
27 providers and the families utilizing child care.

28 *e.* Statistical data regarding the processing time for
29 issuing notices of decision to state child care assistance
30 applicants and for issuing payments to child care providers.

31 8. The advisory committee shall coordinate with the early
32 childhood Iowa council its reporting annually in December
33 to the governor and general assembly concerning the status
34 of child care in the state, providing findings, and making
35 recommendations. The annual report may be personally presented

1 to the general assembly's standing committees on human
2 resources by a representative of the advisory committee.

3 Sec. 388. Section 237A.1, subsection 16, Code 2009, is
4 amended to read as follows:

5 16. "*State child care advisory ~~council~~ committee*" means
6 the state child care advisory ~~council~~ committee established
7 pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A.

8 Sec. 389. Section 237A.12, subsection 3, Code 2009, is
9 amended to read as follows:

10 3. Rules relating to fire safety for child care centers
11 shall be adopted under this chapter by the state fire marshal
12 in consultation with the department. Rules adopted by the
13 state fire marshal for a building which is owned or leased by a
14 school district or accredited nonpublic school and used as a
15 child care facility shall not differ from standards adopted by
16 the state fire marshal for school buildings under chapter 100.
17 Rules relating to sanitation shall be adopted by the department
18 in consultation with the director of public health. All rules
19 shall be developed in consultation with the state child care
20 advisory ~~council~~ committee. The state fire marshal shall
21 inspect the facilities.

22 Sec. 390. Section 237A.25, subsection 1, Code 2009, is
23 amended to read as follows:

24 1. The department shall develop consumer information
25 material to assist parents in selecting a child care provider.
26 In developing the material, the department shall consult with
27 department of human services staff, department of education
28 staff, the state child care advisory ~~council~~ committee, the
29 Iowa empowerment board, and child care resource and referral
30 services. In addition, the department may consult with other
31 entities at the local, state, and national level.

32 Sec. 391. Section 237A.30, subsection 1, Code 2009, is
33 amended to read as follows:

34 1. The department shall work with the community empowerment
35 office of the department of management established in section

1 28.3 and the state child care advisory ~~council~~ committee in
2 designing and implementing a voluntary quality rating system
3 for each provider type of child care facility.

4 Sec. 392. Section 256.9, subsection 32, paragraph b, Code
5 Supplement 2009, is amended to read as follows:

6 b. Standards and materials developed shall include
7 materials which employ developmentally appropriate practices
8 and incorporate substantial parental involvement. The
9 materials and standards shall include alternative teaching
10 approaches including collaborative teaching and alternative
11 dispute resolution training. The department shall consult
12 with the child development coordinating council, the state
13 child care advisory ~~council~~ committee established pursuant
14 to section 135.173A, the department of human services,
15 the state board of regents center for early developmental
16 education, the area education agencies, the department of child
17 development in the college of family and consumer sciences at
18 Iowa state university of science and technology, the early
19 childhood elementary division of the college of education at
20 the university of Iowa, and the college of education at the
21 university of northern Iowa, in developing these standards and
22 materials.

23 Sec. 393. REPEAL. Sections 237A.21 and 237A.22, Code
24 Supplement 2009, are repealed.

25 Sec. 394. IMPLEMENTATION — EFFECTIVE DATE.

26 1. The early childhood Iowa council shall develop a
27 legislation proposal identifying memberships slots for
28 the state child care advisory committee as created by this
29 division of this Act. The proposal shall ensure that there
30 is appropriate representation for the various types of child
31 care arrangements available in the state and for expertise.
32 The proposal shall be submitted to the governor and general
33 assembly on or before December 15, 2010.

34 2. The provisions of this division of this Act other than
35 this section take effect July 1, 2011.

1 DIVISION XXXIV

2 STATE MENTAL HEALTH INSTITUTES

3 Sec. 395. MOUNT PLEASANT MHI CLOSURE COSTS. There is
 4 appropriated from the general fund of the state to the
 5 department of human services for the fiscal year beginning July
 6 1, 2009, and ending June 30, 2010, the following amount, or
 7 so much thereof as is necessary, to be used for the purposes
 8 designated:

9 For transition costs relating to the transfer of authority
 10 over the state facilities of the state mental health institute
 11 at Mount Pleasant from the department of human services to the
 12 department of corrections in accordance with this division of
 13 this Act:

14 \$ 0

15 Sec. 396. Section 218.1, Code 2009, is amended to read as
 16 follows:

17 **218.1 Institutions controlled.**

18 1. The director of human services shall have the general and
 19 full authority given under statute to control, manage, direct,
 20 and operate the ~~following~~ institutions listed in subsection
 21 2 under the director's jurisdiction, and may at the director's
 22 discretion assign the powers and authorities given the director
 23 by statute to any one of the deputy directors, division
 24 administrators, or officers or employees of the divisions of
 25 the department of human services~~±.~~

26 2. The institutions under the authority of the director of
 27 human services are the following:

- 28 ~~1-~~ a. Glenwood state resource center.
- 29 ~~2-~~ b. Woodward state resource center.
- 30 ~~3-~~ c. Mental health institute, Cherokee, Iowa.
- 31 ~~4-~~ d. Mental health institute, Clarinda, Iowa.
- 32 ~~5-~~ e. Mental health institute, Independence, Iowa.
- 33 ~~6-~~ Mental health institute, Mount Pleasant, Iowa.
- 34 ~~7-~~ f. State training school.
- 35 ~~8-~~ g. Iowa juvenile home.

1 ~~9.~~ h. Other facilities not attached to the campus of the
2 main institution as program developments require.

3 Sec. 397. Section 219.1, subsection 1, Code 2009, is amended
4 to read as follows:

5 1. All of the following ~~shall be~~ are collectively designated
6 as a single state medical institution:

7 ~~a. The mental health institute, Mount Pleasant, Iowa.~~

8 ~~b.~~ a. The mental health institute, Independence, Iowa.

9 ~~c.~~ b. The mental health institute, Clarinda, Iowa.

10 ~~d.~~ c. The mental health institute, Cherokee, Iowa.

11 ~~e.~~ d. The Glenwood state resource center.

12 ~~f.~~ e. The Woodward state resource center.

13 Sec. 398. Section 226.1, subsection 1, Code Supplement
14 2009, is amended to read as follows:

15 1. The state hospitals for persons with mental illness ~~shall~~
16 ~~be designated,~~ known as the state mental health institutes,
17 are as follows:

18 ~~a. Mental Health Institute, Mount Pleasant, Iowa.~~

19 ~~b.~~ a. ~~Mental Health Institute~~ health institute,
20 Independence, Iowa.

21 ~~c.~~ b. ~~Mental Health Institute~~ health institute, Clarinda,
22 Iowa.

23 ~~d.~~ c. ~~Mental Health Institute~~ health institute, Cherokee,
24 Iowa.

25 Sec. 399. Section 226.9C, subsection 1, Code 2009, is
26 amended to read as follows:

27 1. ~~The state mental health institute at Mount Pleasant~~
28 ~~shall~~ department of human services may operate the a dual
29 diagnosis mental health and substance abuse program at a state
30 mental health institute. The dual diagnosis program shall
31 operate on a net budgeting basis in which fifty percent of the
32 actual per diem and ancillary services costs are chargeable to
33 the patient's county of legal settlement or as a state case,
34 as appropriate.

35 1A. Subject to the approval of the department, revenues

1 attributable to the dual diagnosis program for each fiscal year
2 shall be deposited in the mental health institute's account
3 and are appropriated to the department for the dual diagnosis
4 program, including but not limited to all of the following
5 revenues:

6 *a.* Moneys received by the state from billings to counties
7 under section 230.20.

8 *b.* Moneys received from billings to the Medicare program.

9 *c.* Moneys received from a managed care contractor providing
10 services under contract with the department or any private
11 third-party payor.

12 *d.* Moneys received through client participation.

13 *e.* Any other revenues directly attributable to the dual
14 diagnosis program.

15 Sec. 400. TRANSITION PROVISIONS.

16 1. The director of human services and the director of the
17 department of corrections shall work together to transfer
18 authority over the facilities at the state mental health
19 institute at Mount Pleasant from the department of human
20 services to the department of corrections. The transfer shall
21 be completed on or before July 1, 2011.

22 2. The department of human services shall do all of the
23 following during the fiscal year beginning July 1, 2009,
24 relating to the transfer of authority over such facilities:

25 *a.* Adopt rules revising the catchment areas for the state
26 mental health institutes from four areas to three areas served
27 by the state mental health institutes at Cherokee, Clarinda,
28 and Independence. The rules shall also address relocation
29 of statewide programs to appropriate state mental health
30 institutes.

31 *b.* Transfer the patients at the state mental health
32 institute at Mount Pleasant to suitable alternative placements.

33 3. Moneys appropriated to the department of human services
34 for the fiscal year beginning July 1, 2009, and ending June 30,
35 2010, for the state mental health institute at Mount Pleasant

1 shall be expended for the patients placed at the institute,
2 for services provided at alternative placements or for costs
3 incurred by the department of human services relating to the
4 transfer of programs.

5 4. Administrative rules adopted by the department of
6 human services for the state mental health institute at Mount
7 Pleasant in effect as of July 1, 2009, shall remain applicable
8 until the transfer of the authority over the facilities to the
9 department of corrections has been completed. The departments
10 of human services and corrections shall jointly provide written
11 notice to the legislative services agency when the transfer has
12 been completed.

13 Sec. 401. IMPLEMENTATION. Section 25B.2, subsection 3,
14 shall not apply to this division of this Act.

15 Sec. 402. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect upon
17 enactment.

18 DIVISION XXXV

19 CONSOLIDATION OF ADVISORY

20 BODIES — COUNCIL ON HUMAN SERVICES

21 Sec. 403. NEW SECTION. 217.3A **Advisory committees.**

22 1. *General.* The council on human services shall establish
23 and utilize the advisory committees identified in this section
24 and may establish and utilize other advisory committees. The
25 council shall establish appointment provisions, membership
26 terms, operating guidelines, and other operational requirements
27 for committees established pursuant to this section.

28 2. *Child abuse prevention.* The council shall establish a
29 child abuse prevention program advisory committee to support
30 the child abuse prevention program implemented in accordance
31 with section 235A.1. The duties of the advisory committee
32 shall include all of the following:

33 a. Advise the director of human services and the
34 administrator of the division of the department of human
35 services responsible for child and family programs regarding

1 expenditures of funds received for the child abuse prevention
2 program.

3 *b.* Review the implementation and effectiveness of
4 legislation and administrative rules concerning the child abuse
5 prevention program.

6 *c.* Recommend changes in legislation and administrative rules
7 to the general assembly and the appropriate administrative
8 officials.

9 *d.* Require reports from state agencies and other entities as
10 necessary to perform its duties.

11 *e.* Receive and review complaints from the public concerning
12 the operation and management of the child abuse prevention
13 program.

14 *f.* Approve grant proposals.

15 3. *a.* The council shall establish a child support advisory
16 committee.

17 (1) Members of the advisory committee shall include at least
18 one district judge and representatives of custodial parent
19 groups, noncustodial parent groups, the general assembly, the
20 office of citizens' aide, the Iowa state bar association, the
21 Iowa county attorneys association, and other constituencies
22 which have an interest in child support enforcement issues,
23 appointed by the respective entity.

24 (2) The legislative members of the advisory committee shall
25 be appointed as follows: one senator each by the majority
26 leader of the senate, after consultation with the president
27 of the senate, and by the minority leader of the senate, and
28 one member of the house of representatives each by the speaker
29 of the house of representatives, after consultation with the
30 majority leader of the house of representatives, and by the
31 minority leader of the house of representatives.

32 *b.* The legislative members of the advisory committee shall
33 serve for terms as provided in section 69.16B. Appointments
34 shall comply with sections 69.16 and 69.16A. Vacancies shall
35 be filled by the original appointing authority and in the

1 manner of the original appointments.

2 *c.* The child support advisory committee shall assist the
3 department in all of the following activities:

4 (1) Review of existing child support guidelines and
5 recommendations for revision.

6 (2) Examination of the operation of the child support system
7 to identify program improvements or enhancements which would
8 increase the effectiveness of securing parental support and
9 parental involvement.

10 (3) Recommendation of legislation which would clarify and
11 improve state law regarding support for children.

12 *d.* The committee shall receive input from the public
13 regarding any child support issues.

14 4. *Child welfare.*

15 *a.* The council shall establish a child welfare advisory
16 committee to advise the department of human services on
17 programmatic and budgetary matters related to the provision
18 or purchase of child welfare services. The committee shall
19 meet to review departmental budgets, policies, and programs,
20 and proposed budgets, policies, and programs, and to make
21 recommendations and suggestions to make the state child welfare
22 budget, programs, and policies more effective in serving
23 families and children.

24 *b.* The membership of the advisory committee shall
25 include representatives of child welfare service providers,
26 juvenile court services, the Iowa foster and adoptive parent
27 association, the child advocacy board, the coalition for
28 family and children's services in Iowa, children's advocates,
29 service consumers, and others who have training or knowledge
30 related to child welfare services. In addition, four members
31 shall be legislators, all serving as ex officio, nonvoting
32 members, with one each appointed by the speaker of the house
33 of representatives, the minority leader of the house of
34 representatives, the majority leader of the senate, and the
35 minority leader of the senate. The director of human services

1 and the administrator of the division of the department of
2 human services responsible for child welfare services, or their
3 designees, shall also be ex officio, nonvoting members, and
4 shall serve as resource persons to the advisory committee.

5 Sec. 404. Section 235A.1, subsections 3 and 4, Code
6 Supplement 2009, are amended by striking the subsections.

7 Sec. 405. REPEAL. Sections 234.3 and 252B.18, Code 2009,
8 are repealed.

9 Sec. 406. IMPLEMENTATION. In establishing the child abuse
10 prevention program, child support, and child welfare advisory
11 committees and appointing members, the council on human
12 services shall consider reappointing those individuals who
13 were serving as members of the child abuse prevention advisory
14 council, the child support advisory committee, and the child
15 welfare advisory committee as of June 30, 2009.

16 DIVISION XXXVI

17 CONSOLIDATION OF ADVISORY

18 BODIES — STATE BOARD OF HEALTH

19 Sec. 407. NEW SECTION. 136.11 **Advisory committees.**

20 1. *General.* The state board of health shall establish and
21 utilize the advisory committees identified in this section
22 and may establish and utilize other advisory committees. The
23 council shall establish appointment provisions, membership
24 terms, operating guidelines, and other operational requirements
25 for committees established pursuant to this section.

26 2. *Brain injury.*

27 a. The board shall establish an advisory committee
28 on brain injuries. Insofar as practicable, the advisory
29 committee shall include persons with brain injuries; family
30 members of persons with brain injuries; representatives of
31 industry, labor, business, and agriculture; representatives
32 of federal, state, and local government; and representatives
33 of religious, charitable, fraternal, civic, educational,
34 medical, legal, veteran, welfare, and other professional
35 groups and organizations. In addition, the advisory committee

1 shall include representatives of the following departments
2 and state entities as ex officio, nonvoting members: blind,
3 public health, human services, education, special education
4 bureau of the department of education, division of vocational
5 rehabilitation services of the department of education, and
6 commissioner of insurance.

7 *b.* The advisory committee shall do all of the following:

8 (1) Promote meetings and programs for the discussion of
9 methods to reduce the debilitating effects of brain injuries,
10 and disseminate information in cooperation with any other
11 department, agency, or entity on the prevention, evaluation,
12 care, treatment, and rehabilitation of persons affected by
13 brain injuries.

14 (2) Study and review current prevention, evaluation, care,
15 treatment, and rehabilitation technologies and recommend
16 appropriate preparation, training, retraining, and distribution
17 of personnel and resources in the provision of services
18 to persons with brain injuries through private and public
19 residential facilities, day programs, and other specialized
20 services.

21 (3) Participate in developing and disseminating criteria
22 and standards which may be required for future funding or
23 licensing of facilities, day programs, and other specialized
24 services for persons with brain injuries in this state.

25 (4) Make recommendations to the governor for developing and
26 administering a state plan to provide services for persons with
27 brain injuries.

28 *c.* The department is designated as Iowa's lead agency
29 for brain injury. For the purposes of this subsection, the
30 designation of lead agency authorizes the department to perform
31 or oversee the performance of those functions specified in
32 paragraph "*b*", subparagraphs (1) through (3).

33 *d.* The advisory committee may receive gifts, grants, or
34 donations made for any of the purposes of its programs and
35 disburse and administer them in accordance with their terms and

1 under the direction of the director.

2 3. *Center for rural health and primary care.*

3 a. The board shall establish an advisory committee to
4 the center for rural health and primary care established in
5 section 135.107. The advisory committee shall consist of one
6 representative approved by each of the following agencies or
7 entities: the department of agriculture and land stewardship,
8 the department of public health, the department of inspections
9 and appeals, national and regional rural health policy groups,
10 and the Iowa state association of counties. In addition, the
11 membership shall include representatives of consumer groups
12 active in rural health issues and of two farm organizations
13 active within the state, a representative of an agricultural
14 business in the state, a practicing rural family physician,
15 a practicing rural physician assistant, a practicing rural
16 advanced registered nurse practitioner, and a rural health
17 practitioner who is not a physician, physician assistant, or
18 advanced registered nurse practitioner. The advisory committee
19 shall also include as members two state representatives, one
20 appointed by the speaker of the house of representatives and
21 one by the minority leader of the house of representatives, and
22 two state senators, one appointed by the majority leader of the
23 senate and one by the minority leader of the senate.

24 b. The advisory committee shall regularly meet with
25 the administrative head of the center for rural health and
26 primary care as well as with the director of the center for
27 agricultural health and safety established under section
28 262.78. The head of the center for rural health and primary
29 care and the director of the center for agricultural health and
30 safety shall consult with the advisory committee and provide
31 the advisory committee with relevant information regarding
32 their agencies.

33 4. *Hemophilia.*

34 a. The board shall establish a hemophilia advisory committee
35 to provide recommendations on cost-effective treatment programs

1 that enhance the quality of life of those afflicted with
2 hemophilia and other bleeding and clotting disorders and
3 contain the high cost of treatment.

4 **b.** The membership of the advisory committee shall include
5 hemophilia patients and caregivers and representatives of
6 relevant state agencies, health care providers, social workers,
7 and other providers who treat persons with hemophilia and other
8 bleeding and clotting disorders.

9 **c.** The committee shall review and make recommendations to
10 the director concerning but not limited to the following:

11 (1) Proposed legislative or administrative changes to
12 policies and programs that are integral to the health and
13 wellness of individuals with hemophilia and other bleeding and
14 clotting disorders.

15 (2) Standards of care and treatment for persons living with
16 hemophilia and other bleeding and clotting disorders.

17 (3) The development of community-based initiatives to
18 increase awareness of care and treatment for persons living
19 with hemophilia and other bleeding and clotting disorders.

20 (4) Facilitating communication and cooperation among
21 persons with hemophilia and other bleeding and clotting
22 disorders.

23 **d.** The advisory committee shall report to the board,
24 governor, and general assembly annually before January with
25 recommendations for maintaining and improving access to care
26 for individuals with hemophilia and other bleeding and clotting
27 disorders. Subsequent annual reports shall report on the
28 status of implementing the recommendations as proposed by the
29 advisory committee and on any state and national activities
30 with regard to hemophilia and other bleeding and clotting
31 disorders.

32 **5. Trauma system.**

33 **a.** The board shall establish a trauma system advisory
34 committee.

35 **b.** The membership of the advisory committee may include

1 representatives of relevant health care providers, state
2 departments, professional associations, trauma care providers,
3 rehabilitation providers, and researchers.

4 *c.* The advisory committee shall do all of the following:

5 (1) Advise the department on issues and strategies to
6 achieve optimal trauma care delivery throughout the state.

7 (2) Assist the department in the implementation of an Iowa
8 trauma care plan.

9 (3) Develop criteria for the categorization of all
10 hospitals and emergency care facilities according to their
11 trauma care capabilities. These categories shall be for levels
12 I, II, III, and IV, based on the most current guidelines
13 published by the American college of surgeons committee on
14 trauma, the American college of emergency physicians, and
15 the model trauma care plan of the United States department
16 of health and human services' health resources and services
17 administration.

18 (4) Develop a process for the verification of the
19 trauma care capacity of each facility and the issuance of a
20 certificate of verification.

21 (5) Develop standards for medical direction, trauma care,
22 triage and transfer protocols, and trauma registries.

23 (6) Promote public information and education activities for
24 injury prevention.

25 (7) Review the rules adopted under chapter 147A relating to
26 the trauma care system and make recommendations to the director
27 for changes to further promote optimal trauma care.

28 6. *State medical examiner.*

29 *a.* The board shall establish a state medical examiner
30 advisory committee to advise and consult with the state medical
31 examiner on a range of issues affecting the organization and
32 functions of the office of the state medical examiner and the
33 effectiveness of the medical examiner system in the state.

34 *b.* The membership of the advisory committee shall be
35 appointed pursuant to the recommendation of the state medical

1 examiner to include relevant representatives of state and local
2 prosecutors, health professionals, state and local health
3 departments, state departments, professional associations, and
4 funeral directors.

5 Sec. 408. Section 135.107, subsection 5, Code Supplement
6 2009, is amended by striking the subsection.

7 Sec. 409. Section 135.22B, subsection 2, paragraphs b and c,
8 Code 2009, are amended to read as follows:

9 b. The division of the department assigned to administer
10 the ~~advisory council on~~ programs and services addressing brain
11 injuries ~~under section 135.22A~~ shall be the program
12 administrator. The division duties shall include but are
13 not limited to serving as the fiscal agent and contract
14 administrator for the program and providing program oversight.

15 c. The division shall consult with the advisory
16 ~~council~~ committee on brain injuries, established pursuant to
17 section ~~135.22A~~ 136.11, regarding the program and shall report
18 to the council concerning the program at least quarterly. The
19 ~~council~~ advisory committee shall make recommendations to the
20 department concerning the program's operation.

21 Sec. 410. Section 147A.23, subsection 2, unnumbered
22 paragraph 1, Code 2009, is amended to read as follows:

23 The department, in consultation with the trauma system
24 advisory ~~council~~ committee established pursuant to section
25 136.11, shall develop, coordinate, and monitor a statewide
26 trauma care system. This system shall include, but not be
27 limited to, the following:

28 Sec. 411. Section 147A.26, subsection 1, Code 2009, is
29 amended to read as follows:

30 1. The department shall maintain a statewide trauma
31 reporting system by which the system evaluation and
32 quality improvement committee, the trauma system advisory
33 ~~council~~ committee established pursuant to section 136.11, and
34 the department may monitor the effectiveness of the statewide
35 trauma care system.

1 Sec. 412. Section 691.6, subsection 3, Code Supplement
2 2009, is amended to read as follows:

3 3. To adopt rules pursuant to chapter 17A, and subject
4 to the approval of the director of public health, with the
5 advice and approval of the state medical examiner advisory
6 ~~council~~ committee established pursuant to section 136.11.

7 Sec. 413. REPEAL. Sections 135.22A, 135N.1, 135N.2,
8 135N.3, 135N.4, 135N.5, 135N.6, and 147A.24, Code 2009, are
9 repealed.

10 Sec. 414. REPEAL. Section 691.6C, Code Supplement 2009, is
11 repealed.

12 Sec. 415. IMPLEMENTATION. In establishing the brain
13 injury, center for rural health and primary care, hemophilia,
14 trauma system, and state medical examiner advisory committees
15 and appointing members, the state board of health shall
16 consider reappointing those individuals who were serving
17 as members of the advisory council on brain injuries, the
18 center for rural health and primary care advisory committee,
19 the hemophilia advisory council, the state medical examiner
20 advisory council, and the trauma system advisory council as of
21 June 30, 2009.

22 DIVISION XXXVII

23 DEPARTMENT OF HUMAN SERVICES — FAMILY SUPPORT SUBSIDY

24 Sec. 416. Section 225C.37, Code Supplement 2009, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. 3. Effective July 1, 2010, the department
27 shall not accept new applications for the family support
28 subsidy program and shall not approve pending applications
29 for the program. Subsidy termination or application denial
30 relating to family members enrolled in the family support
31 subsidy program as of July 1, 2010, is subject to section
32 225C.40.

33 DIVISION XXXVIII

34 DEPARTMENT OF HUMAN SERVICES — ELECTRONIC FUNDS TRANSFER
35 PAYMENTS

1 Sec. 417. NEW SECTION. **217.24 Payment by electronic funds**
2 **transfer.**

3 The department of human services shall continue expanding
4 the practice of making payments to program participants and
5 vendors by means of electronic funds transfer. The department
6 shall seek the capacity for making payment by such means for
7 all programs administered by the department.

8 DIVISION XXXIX

9 DEPARTMENT OF HUMAN SERVICES — ADOPTION SUBSIDY PROGRAM

10 Sec. 418. ADOPTION SUBSIDY PROGRAM RATES. For the fiscal
11 year beginning July 1, 2010, the maximum adoption subsidy rate
12 authorized by the department of human services shall not exceed
13 the maximum rate in effect on June 30, 2010, and the maximum
14 payment for nonrecurring expenses shall be limited to \$500 and
15 additional amounts for court costs and other related legal
16 expenses shall no longer be allowed.

17 DIVISION XL

18 JUVENILE DETENTION HOME FUND

19 Sec. 419. Section 232.142, subsections 3 and 6, Code 2009,
20 are amended by striking the subsections.

21 Sec. 420. Section 321.210B, subsection 7, paragraph b, Code
22 2009, is amended to read as follows:

23 **b.** The clerk of the district court shall transmit to the
24 department, from the first moneys collected, an amount equal to
25 the amount of any civil penalty assessed pursuant to section
26 321.218A or 321A.32A and added to the installment agreement.
27 The department shall transmit the money received from the
28 clerk of the district court pursuant to this paragraph to the
29 treasurer of state for deposit in the ~~juvenile detention home~~
30 ~~fund created in section 232.142~~ general fund of the state.

31 Sec. 421. Section 321.218A, Code 2009, is amended to read
32 as follows:

33 **321.218A Civil penalty — disposition — reinstatement.**

34 When the department suspends, revokes, or bars a person's
35 driver's license or nonresident operating privilege for a

1 conviction under this chapter, the department shall assess
 2 the person a civil penalty of two hundred dollars. However,
 3 for persons age nineteen or under, the civil penalty assessed
 4 shall be fifty dollars. The civil penalty does not apply to
 5 a suspension issued for a violation of section 321.180B. The
 6 money collected by the department under this section shall be
 7 transmitted to the treasurer of state who shall deposit the
 8 money in the ~~juvenile detention home fund created in section~~
 9 ~~232.142~~ general fund of the state. Except as provided in
 10 section 321.210B, a temporary restricted license shall not
 11 be issued or a driver's license or nonresident operating
 12 privilege reinstated until the civil penalty has been paid.
 13 A person assessed a penalty under this section may remit the
 14 civil penalty along with a processing fee of five dollars to a
 15 county treasurer authorized to issue driver's licenses under
 16 chapter 321M, or the civil penalty may be paid directly to the
 17 department.

18 Sec. 422. Section 321A.32A, Code 2009, is amended to read
 19 as follows:

20 **321A.32A Civil penalty — disposition — reinstatement.**

21 When the department suspends, revokes, or bars a person's
 22 driver's license or nonresident operating privilege under this
 23 chapter, the department shall assess the person a civil penalty
 24 of two hundred dollars. However, for persons age nineteen or
 25 under, the civil penalty assessed shall be fifty dollars. The
 26 money collected by the department under this section shall be
 27 transmitted to the treasurer of state who shall deposit the
 28 money in the ~~juvenile detention home fund created in section~~
 29 ~~232.142~~ general fund of the state. Except as provided in
 30 section 321.210B, a temporary restricted license shall not
 31 be issued or a driver's license or nonresident operating
 32 privilege reinstated until the civil penalty has been paid.
 33 A person assessed a penalty under this section may remit the
 34 civil penalty along with a processing fee of five dollars to a
 35 county treasurer authorized to issue driver's licenses under

1 chapter 321M, or the civil penalty may be paid directly to the
2 department.

3 DIVISION XLI

4 GUARDIAN AD LITEM

5 Sec. 423. Section 232.2, subsection 22, Code Supplement
6 2009, is amended by adding the following new paragraph:

7 NEW PARAGRAPH. *bb.* Unless provided otherwise by a court
8 order or juvenile court having jurisdiction over the child, a
9 guardian ad litem may obtain the information required under
10 paragraph "b" about the status of the child by an alternative
11 means other than an in-person visit or interview, provided
12 the safety of the child is not jeopardized by use of the
13 alternative means.

14 DIVISION XLII

15 COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

16 Sec. 424. Section 35A.16, subsection 3, paragraph a, Code
17 Supplement 2009, is amended to read as follows:

18 *a.* If sufficient moneys are available, the department
19 shall annually allocate ten thousand dollars to each county
20 commission of veteran affairs, or to each county sharing the
21 services of an executive director or administrator pursuant
22 to chapter 28E, to be used to provide services to veterans
23 pursuant to section 35B.6. The department shall implement an
24 application process which delineates allowable uses for grant
25 funding and provides for accountability measures.

26 DIVISION XLIII

27 DEPARTMENT OF CORRECTIONS

28 Sec. 425. Section 904.106, Code 2009, is amended to read as
29 follows:

30 **904.106 Meetings — expenses.**

31 The board shall meet at least ~~twelve times a~~ quarterly
32 throughout the year. Special meetings may be called by the
33 chairperson or upon written request of any three members of the
34 board. The chairperson shall preside at all meetings or in the
35 chairperson's absence, the vice chairperson shall preside. The

1 members of the board shall be paid their actual expenses while
2 attending the meetings. Each member of the board may also be
3 able to receive compensation as provided in section 7E.6.

4 Sec. 426. Section 904.505, Code 2009, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4. The disciplinary rules may impose a
7 reasonable administrative fee for the filing of a report of a
8 major disciplinary rule infraction for which an inmate is found
9 guilty. A fee charged pursuant to this subsection shall be
10 deposited in the general fund of the state.

11 Sec. 427. CORRECTIONAL FACILITY CLOSURE. The department
12 of corrections shall close by October 1, 2010, the Luster
13 Heights facility, which is a satellite facility of the Anamosa
14 state penitentiary, and farm 1 and farm 3, which are satellite
15 facilities of the Iowa state penitentiary, and shall transfer
16 the inmates confined at such facilities to other institutions
17 under the control of the department of corrections.

18 DIVISION XLIV

19 STATE PUBLIC DEFENDER

20 Sec. 428. Section 13B.2A, Code 2009, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **13B.2A Indigent defense — report — court appointed counsel**
23 **fees.**

24 1. The department shall file a written report every
25 three years with the governor and the general assembly by
26 January 1 of a year in which a report is due relating to the
27 recommendations and activities of the department relating to
28 the state indigent defense system. The first such report shall
29 be due on January 1, 2012.

30 2. The report shall contain recommendations to the general
31 assembly and the state public defender regarding the hourly
32 rates paid to court-appointed counsel and per case fee
33 limitations. These recommendations shall be consistent with
34 the constitutional requirement to provide effective assistance
35 of counsel to those indigent persons for whom the state is

1 required to provide counsel.

2 Sec. 429. PUBLIC DEFENDERS. There is appropriated from the
3 general fund of the state to the office of the state public
4 defender of the department of inspections and appeals for the
5 fiscal year beginning July 1, 2009, and ending June 30, 2010,
6 the following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For additional assistant local public defender positions,
9 including salaries, support, maintenance, and miscellaneous
10 purposes:

11	\$	640,000
12	FTEs	8.00

13 Sec. 430. WAPELLO COUNTY LOCAL PUBLIC DEFENDER
14 OFFICE. There is appropriated from the general fund of
15 the state to the office of the state public defender of the
16 department of inspections and appeals for the fiscal year
17 beginning July 1, 2009, and ending June 30, 2010, the following
18 amount, or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For establishing a local public defender office in Wapello
21 county pursuant to section 13B.8, including salaries, support,
22 maintenance, and miscellaneous purposes:

23	\$	500,000
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24 DIVISION XLV

25 IOWA LAW ENFORCEMENT ACADEMY

26 Sec. 431. Section 80B.11B, subsection 2, Code 2009, is
27 amended to read as follows:

28 2. The Iowa law enforcement academy may also charge the
29 department of natural resources ~~or other~~ and the department
30 of transportation the full costs, and any other agency or
31 department of the state, a member of a police force of a
32 city or county, or any political subdivision of the state
33 not more than one-half of the cost, of providing the basic
34 training course which is designed to meet the minimum basic
35 training requirements for a law enforcement officer. All

1 other candidates to the law enforcement academy, including a
2 candidate from a tribal government, shall pay the full costs of
3 providing the basic training requirements for a law enforcement
4 officer.

5 Sec. 432. IOWA LAW ENFORCEMENT ACADEMY — PILOT TRAINING
6 PROGRAM — PRIVATE SECURITY PERSONNEL. The Iowa law
7 enforcement academy, subject to the approval of the Iowa law
8 enforcement academy council, shall develop and administer a
9 pilot program consisting of training seminars for private
10 security personnel. The pilot program shall consist of fifty
11 hours of training for each of ten trainees at a cost of fifty
12 dollars per hour of training. All moneys received from the
13 training seminars shall be deposited in the general fund of the
14 state.

15 DIVISION XLVI

16 DEPARTMENT OF PUBLIC SAFETY DIVISIONS

17 Sec. 433. Section 80.17, subsection 1, paragraph f, Code
18 2009, is amended by striking the paragraph.

19 Sec. 434. Section 124.510, unnumbered paragraph 2, Code
20 2009, is amended to read as follows:

21 This information is for the exclusive use of the division of
22 ~~narcotics enforcement~~ criminal investigation in the department
23 of public safety, and shall not be a matter of public record.

24 DIVISION XLVII

25 DEPARTMENT OF PUBLIC SAFETY — OFFICE OF DRUG CONTROL POLICY

26 Sec. 435. Section 80.8, subsection 3, paragraph a, Code
27 2009, is amended to read as follows:

28 a. The salaries of peace officers and employees of the
29 department and the expenses of the department shall be provided
30 for by a legislative appropriation, except the salary of the
31 drug policy coordinator shall be fixed by the governor as
32 provided in section 80E.1. The compensation of peace officers
33 of the department shall be fixed according to grades as to rank
34 and length of service by the commissioner with the approval of
35 the department of administrative services, unless covered by a

1 collective bargaining agreement that provides otherwise.

2 Sec. 436. Section 80.9, Code 2009, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 10. The department shall receive and review
5 the budget submitted by the drug policy coordinator and assist
6 the drug policy coordinator in directing the governor's office
7 of drug control policy pursuant to section 80E.1.

8 Sec. 437. Section 80.17, subsection 1, Code 2009, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. g. Office of drug control policy.

11 Sec. 438. Section 80E.1, subsection 1, Code 2009, is amended
12 to read as follows:

13 1. The office of drug control policy is established in the
14 department of public safety. A drug policy coordinator shall
15 be appointed by the governor, subject to confirmation by the
16 senate, and shall serve at the pleasure of the governor. The
17 governor shall fill a vacancy in the office in the same manner
18 as the original appointment was made. The coordinator shall be
19 selected primarily for administrative ability. The coordinator
20 shall not be selected on the basis of political affiliation
21 and shall not engage in political activity while holding the
22 office. The salary of the coordinator shall be fixed by the
23 governor.

24 Sec. 439. Section 80E.1, subsection 2, paragraph a, Code
25 2009, is amended to read as follows:

26 a. Direct the ~~governor's~~ office of drug control policy,
27 and coordinate and monitor all statewide narcotics enforcement
28 efforts, coordinate and monitor all state and federal substance
29 abuse treatment grants and programs, coordinate and monitor all
30 statewide substance abuse prevention and education programs
31 in communities and schools, and engage in such other related
32 activities as required by law. The coordinator shall work in
33 coordinating the efforts of the department of corrections, the
34 department of education, the Iowa department of public health,
35 ~~the department of public safety,~~ and the department of human

1 services. The coordinator shall assist in the development
2 and implementation of local and community strategies to fight
3 substance abuse, including local law enforcement, education,
4 and treatment activities.

5 Sec. 440. Section 124.101, subsection 21, Code Supplement
6 2009, is amended to read as follows:

7 21. "*Office*" means the ~~governor's~~ office of drug control
8 policy, as referred to in section 80E.1.

9 Sec. 441. Section 135.130, subsection 2, Code 2009, is
10 amended to read as follows:

11 2. A substance abuse treatment facility advisory council
12 is established within the department to advise and make
13 recommendations to the director regarding the establishment
14 and operation of a facility for persons with a substance
15 abuse problem who are on probation and to assist with the
16 implementation of treatment programs that are proven to
17 be effective for offenders. The substance abuse treatment
18 facility advisory council shall consist of the directors of the
19 eight judicial district departments of correctional services
20 and one representative each from the judicial branch, the Iowa
21 department of public health, the department of corrections, and
22 the ~~governor's~~ office of drug control policy.

23 Sec. 442. Section 216A.132, subsection 1, paragraph b, Code
24 2009, is amended to read as follows:

25 b. The departments of human services, corrections, and
26 public safety, the division on the status of African-Americans,
27 the Iowa department of public health, the chairperson of
28 the board of parole, the attorney general, the state public
29 defender, the ~~governor's~~ office of drug control policy, and
30 the chief justice of the supreme court shall each designate a
31 person to serve on the council. The person appointed by the
32 Iowa department of public health shall be from the departmental
33 staff who administer the comprehensive substance abuse program
34 under chapter 125.

1 Sec. 443. Section 216A.140, subsection 5, paragraph h, Code
2 Supplement 2009, is amended to read as follows:

3 ~~h. Governor's office~~ Office of drug control policy.

4 Sec. 444. Section 602.8108, subsection 4, Code Supplement
5 2009, is amended to read as follows:

6 4. The clerk of the district court shall remit all moneys
7 collected from the drug abuse resistance education surcharge
8 provided in section 911.2 to the state court administrator
9 for deposit in the general fund of the state and the amount
10 deposited is appropriated to the ~~governor's~~ office of drug
11 control policy for use by the drug abuse resistance education
12 program and other programs directed for a similar purpose.

13 DIVISION XLVIII

14 STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

15 Sec. 445. NEW SECTION. **2.69 State government efficiency**
16 **review committee established.**

17 1. A state government efficiency review committee is
18 established which shall meet at least every four years to
19 review the operations of state government. The committee shall
20 meet as directed by the legislative council.

21 2. *a.* The committee shall consist of three members of the
22 senate appointed by the majority leader of the senate, two
23 members of the senate appointed by the minority leader of the
24 senate, three members of the house of representatives appointed
25 by the speaker of the house of representatives, and two members
26 of the house of representatives appointed by the minority
27 leader of the house of representatives.

28 *b.* Members shall be appointed prior to January 31 of the
29 first regular session of each general assembly and shall serve
30 for terms ending upon the convening of the following general
31 assembly or when their successors are appointed, whichever is
32 later. A vacancy shall be filled in the same manner as the
33 original appointment and shall be for the remainder of the
34 unexpired term of the vacancy.

35 *c.* The committee shall elect a chairperson and vice

1 chairperson.

2 3. The members of the committee shall be reimbursed for
3 actual and necessary expenses incurred in the performance
4 of their duties and shall be paid a per diem as specified
5 in section 7E.6 for each day in which they engaged in the
6 performance of their duties. However, per diem compensation
7 and expenses shall not be paid when the general assembly is
8 actually in session at the seat of government. Expenses and
9 per diem shall be paid from funds appropriated pursuant to
10 section 2.12.

11 4. The committee shall do the following:

12 a. Review and consider options for reorganizing state
13 government to improve efficiency, modernize processes,
14 eliminate duplication and outdated processes, reduce costs, and
15 increase accountability. The review shall address the expanded
16 use of the internet and other technology, and the incorporation
17 of productivity improvement measures.

18 b. Review recommendations received through a process to
19 receive state government efficiency suggestions offered by the
20 public and public employees.

21 c. Issue a report, including its findings and
22 recommendations, to the general assembly.

23 5. The first report required by this section shall be
24 submitted to the general assembly no later than January 1,
25 2014, with subsequent reports developed and submitted by
26 January 1 at least every fourth year thereafter.

27 6. Administrative assistance shall be provided by the
28 legislative services agency.

29 EXPLANATION

30 This bill concerns state government, and provides for
31 reorganizing government agencies, eliminating boards and
32 commissions, providing for governmental efficiencies, and
33 including other matters related to the operation of state
34 government.

35 **DIGITAL GOVERNMENT.**

1 DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.

2 Division I concerns information technology services.

3 The division also modifies provisions relative to
4 information technology services provided by the department of
5 administrative services.

6 Code section 8A.111(3) is amended by striking the
7 requirement of the department to provide an annual report
8 regarding total spending on technology currently required to
9 be prepared by the technology governance board. This division
10 of the bill eliminates the board, replaces it with an advisory
11 council, and eliminates the requirement to prepare this annual
12 report.

13 Code section 8A.122, concerning the exemption granted
14 the state board of regents from obtaining services from the
15 department of administrative services without their consent,
16 is amended to eliminate this exemption as it relates to
17 information technology services.

18 Code section 8A.201 is amended to add a definition
19 for infrastructure services as it relates to information
20 technology. The bill defines infrastructure services to
21 include data centers, servers and mainframes, wide area and
22 local area networks, cybersecurity functions, and disaster
23 recovery technology.

24 Code section 8A.201(4) is amended to provide that all
25 state agencies are considered participating agencies for
26 purposes of information technology services provided by the
27 department of administrative services. Current law excludes
28 the state board of regents, public broadcasting, the state
29 department of transportation mobile radio network, the
30 department of public safety law enforcement communications
31 systems, the telecommunications and technology commission
32 with respect to information technology that is unique to the
33 Iowa communications network, the Iowa lottery authority, a
34 judicial district department of correctional services, and the
35 Iowa finance authority from the definition of a participating

1 agency.

2 New Code section 8A.201A provides for the appointment of
3 the chief information officer (CIO). The new Code section
4 provides that the CIO shall be appointed by the governor, and
5 shall have at least five years of experience in the fields of
6 information technology and financial management. Code section
7 8A.104(12), which provides that the director of the department
8 of administrative services shall serve as the CIO or shall
9 designate one, is stricken.

10 Code section 8A.202, concerning the mission, powers,
11 and duties of the department as it relates to information
12 technology, is amended to provide a process by which agencies
13 may seek a waiver for any of the requirements concerning the
14 acquisition of information technology. Generally, a waiver can
15 be granted if the requesting agency can obtain or provide the
16 technology more economically or a waiver would be in the best
17 interests of the state.

18 Code section 8A.203, concerning the powers and duties of
19 the director of the department as it relates to information
20 technology, is amended to provide that these powers and duties
21 are granted to the CIO in consultation with the director. The
22 section is also amended to add duties for the CIO relative to
23 operating the information technology aspects of the department,
24 rulemaking, and entering into contracts.

25 Code section 8A.204, establishing the technology governance
26 board, is amended to provide for a technology advisory council.
27 The bill establishes the membership of the council and provides
28 that the council's primary role is to advise the CIO and the
29 department concerning information technology services.

30 Code section 8A.205, concerning digital government, is
31 amended to provide that the department shall assist agencies in
32 converting printed government materials to electronic materials
33 which can be accessed through an internet searchable database.

34 Code section 8A.207, concerning the procurement of
35 information technology, is amended to provide that the

1 department shall be the sole provider of infrastructure
2 services to state agencies and shall develop policies
3 and procedures that apply to all information technology
4 acquisitions by state agencies.

5 Code section 8A.221, establishing the IowAccess advisory
6 council, is rewritten by the bill. The bill eliminates
7 the advisory council and provides that the department shall
8 establish IowAccess and shall have the powers relative to
9 IowAccess previously granted the IowAccess advisory council
10 relative to setting rates and approving projects.

11 Code section 8A.223, providing for an annual technology
12 audit of the electronic transmission system by which government
13 records are transmitted electronically to the public, is
14 repealed and the requirement in Code section 8A.111 to submit
15 an annual report concerning the audit is stricken.

16 The division directs the department of administrative
17 services to consult with and explore opportunities with the
18 legislative and judicial branches of government relative to the
19 providing of information technology services to those branches
20 of government.

21 This division of the bill also requires the chief
22 information officer of the state to conduct a study regarding
23 convenience fees charged by state agencies by credit or debit
24 card or other electronic means of payment. The study shall
25 determine the fees charged and the revenue generated by the
26 fees, and shall explore ways to reduce or eliminate these fees.

27 The division of the bill also directs state agencies to
28 utilize electronic mail to notify holders of permits and
29 licenses that the license or permit needs to be renewed.

30 DIVISION II — ELECTRONIC RECORDS. Code section 7A.11A,
31 concerning reports to the general assembly, is amended to
32 eliminate the requirement that a printed copy of all reports
33 be filed with the general assembly. The requirement to file
34 reports electronically remains.

35 The division of the bill provides that the departments of

1 administrative services and cultural affairs, in consultation
2 with the state records commission, shall conduct a study on and
3 make recommendations for the creation, storage, and retention
4 of state agency records in an electronic format and shall
5 submit a report containing the recommendations to the general
6 assembly by December 15, 2010. In conducting the study, the
7 departments shall collect and assess information from each
8 state agency that includes an inventory of each agency's
9 records including the types of agency records as well as agency
10 records series retention and disposition schedules. The
11 assessment shall include agency records identified as having
12 permanent historical value by the state records commission.
13 The departments shall also describe in the report what
14 efficiencies and cost-saving efforts could be achieved through
15 the creation, storage, and maintenance of such records in an
16 electronic format.

17 DIVISION III — PUBLICATION MODERNIZATION. The bill amends
18 a number of provisions which allow the legislative council
19 and the legislative services agency to control information
20 used to publish official legal publications (the Iowa Acts,
21 the Iowa Code, the Iowa administrative bulletins, the Iowa
22 administrative code, and the Iowa court rules). The bill
23 provides for their publication and official designation,
24 including production and distribution in an electronic or
25 printed form, and for their official publication date for
26 editing and revision changes. The bill provides procedures
27 for payment by persons receiving or purchasing legislative
28 services agency publications and authorizes the creation
29 of a publications revolving fund. The bill provides for
30 the publication of the entire Iowa Code each year or the
31 Iowa Code and the Code Supplement in alternating years. It
32 updates provisions to conform with current practice including
33 detailing the contents of the publications. It accounts for
34 computer programming necessary to distribute publications in an
35 electronic format, and provides for citing and authenticating

1 provisions in those publications in order to conform to current
2 practice and to better accommodate electronic publication.

3 The bill amends provisions requiring state agencies to
4 deposit copies of state publications with the department of
5 education's division of libraries and information services, by
6 requiring that the publications be provided in an electronic
7 format.

8 DIVISION IV — ELECTRONIC PUBLICATION OF PUBLIC NOTICES.

9 Division IV of the bill relates to the publication of notices,
10 actions, and other information by governmental bodies, as
11 defined in the division. Under the division, a governmental
12 body that is required by statute to publish, or post in a
13 public place, a notice, action, or other information, may, in
14 lieu of such requirements, post the notice, action, or other
15 information on an internet site if posting such information on
16 an internet site has been authorized, by ordinance, resolution,
17 or other official action of the governmental body and the type
18 of notice, action, or other information required to be posted
19 is identified in the ordinance, resolution, or other official
20 action. The governmental body must also identify a location
21 where such notice, action, or information will be available for
22 public inspection.

23 The division does not allow notices under Code chapter 6B
24 ("Procedure Under Eminent Domain"), notices under Code chapter
25 17A, notices provided under the rules of civil procedure, or
26 any notice required to be given by personal service to be
27 posted on an internet site in lieu of publication or service.

28 The division requires notices, actions, or other information
29 posted on an internet site to include all information otherwise
30 required to be published and requires compliance with all
31 provisions relating to the date of publication.

32 The division also requires an internet site used to post
33 notices, actions, and other information to be operated and
34 maintained by the governmental body; accessible at all times by
35 the public, including the visually impaired; accessible to the

1 public without charge; and searchable. All information posted
2 on an internet site under the division shall be maintained
3 and accessible through the same internet site address for as
4 long as required by law or as long as such information is
5 customarily maintained by the governmental body, whichever is
6 longer.

7 The division requires a governmental body to make all
8 information posted on the internet site, in lieu of publication
9 or posting in a public place, available in a paper format in
10 the governmental body's office.

11 **STATE BUDGETING AND PERSONNEL PRACTICES.**

12 DIVISION V — STATE BUDGETING AND PERSONNEL. Code section
13 8.36A, concerning full-time equivalent (FTE) positions, is
14 amended to provide that state agencies shall not convert FTE
15 positions into contract positions and that state agencies
16 shall have their FTE position authorization reduced if a
17 position remains unfilled and vacant for six months. The bill
18 provides that the state agency can request the director of the
19 department of management to allow the conversion of an FTE to
20 a contract position if the conversion will provide comparable
21 or increased services at reduced cost or to permit the agency
22 to retain a vacant FTE position if the position is hard to fill
23 and critical to the agency.

24 Code section 8.62, concerning the use of retained reversion
25 money for employee training, is amended to provide that
26 an agency can use such reversion money for internet-based
27 training. Current law does not specify that the training be
28 internet-based.

29 Code section 8A.413 is amended to require the department of
30 administrative services to adopt merit system rules for the
31 development and operation of programs within the executive
32 branch to promote job sharing, telecommuting, and flex-time
33 employment opportunities.

34 This division of the bill also requires each judicial
35 district department of correctional services to utilize the

1 state accounting system for tracking both appropriations and
2 expenditures, requires state agencies to budget and plan for
3 lean events, and encourages state agencies to share resources
4 and services.

5 This division also addresses state budgeting practices
6 for FY 2010-2011. Each executive branch agency is required
7 to separately track the budget and actual expenditures for
8 contract services and for employee training. The terms of the
9 contracts entered into or revised during the fiscal year are
10 required to incorporate quality assurance and cost control
11 measures. The training tracking is also required to be further
12 detailed to reflect training categories and the report to
13 address the use of electronically based training.

14 This division of the bill also directs each joint
15 appropriations subcommittee of the general assembly to conduct
16 a review of fees charged by agencies within the purview of that
17 budget subcommittee.

18 DIVISION VI — SPAN OF CONTROL. This division revises
19 provisions contained in the 2009 Iowa Acts revising state
20 human resource management requirements under the department of
21 administrative services in Code section 8A.402 for the span of
22 control of supervisory employees in the executive branch.

23 The term "supervisory employee" is defined to mean a
24 public employee who has authority, in the interest of a
25 public employer, to hire, transfer, suspend, lay off, recall,
26 promote, discharge, assign, reward, or discipline other public
27 employees, the responsibility to direct such employees, or to
28 adjust the grievances of such employees, or to effectively
29 recommend any listed action. A supervisory employee is not
30 a member of a collective bargaining unit. If a supervisory
31 employee is being laid off as part of expanding the number
32 of employees in the ratio of supervisory employees to other
33 employees, the supervisory employee does not have the right
34 to replace or bump a junior employee not being laid off for a
35 position for which the supervisory employee is qualified.

1 Current law provides for an executive branch policy to have
2 an aggregate ratio in the number of employees per supervisory
3 employee of 14 to one by the target date of July 1, 2011. The
4 bill instead provides for a ratio of 15 to one by fiscal year
5 2011-2012, with an annual incremental increase in the ratio by
6 one until the ratio becomes 20 to one by fiscal year 2016-2017.

7 Current law allows a small agency with not more than 28
8 full-time equivalent employees to apply for an exception.
9 The bill allows an additional exception when the supervisory
10 employee ratio is subject to a federal requirement.

11 The bill also provides that if layoffs are implemented, the
12 number of middle management position layoffs are to correspond
13 to the relative number of direct service position layoffs. The
14 state system is required to improve by specifically defining
15 and accounting for supervisory employees span of control.

16 Reporting requirements are extended to cover the multiyear
17 period addressed by the bill.

18 The exemption from the span of control requirements for
19 the state board of regents, department of human services,
20 and judicial district department of correctional services is
21 removed.

22 The division takes effect upon enactment.

23 **ADMINISTRATION AND REGULATION.**

24 **DIVISION VII — DEPARTMENT OF ADMINISTRATIVE SERVICES —**
25 **PURCHASING.** Division VII of the bill concerns purchasing items
26 through and by the department of administrative services.

27 Code section 8A.302(1), concerning the purchase of items of
28 general use, is amended to eliminate the general exemption from
29 the requirement to purchase these items from the department of
30 administrative services for the department of transportation,
31 institutions under the control of the state board of regents,
32 the department for the blind, and any other agencies otherwise
33 exempted. The bill does authorize the department to allow
34 these agencies to purchase these items without utilizing the
35 department of administrative services if in the best interests

1 of the state. A corresponding change is made to Code section
2 307.21 to provide that the department of transportation
3 may utilize centralized purchasing for itself only if the
4 department of administrative services so authorizes.

5 Code section 8A.311(10), concerning the authority of
6 agencies to obtain services directly from a vendor, is amended
7 to require the agency to obtain approval from the department
8 to purchase directly from a vendor. In addition, the bill
9 requires that a waiver may be granted if purchasing from a
10 vendor is more economical, and not just as economical.

11 New Code section 8A.311A provides authority to the
12 department of administrative services to require agencies to
13 purchase goods or services of general use as designated by
14 the department pursuant to a master contract negotiated by
15 the department. The new Code section also gives governmental
16 subdivisions the option to purchase goods and services pursuant
17 to the contract. The new Code section provides that the
18 department shall negotiate master contracts for a particular
19 service if the department determines that a high-quality
20 good or service can be acquired by agencies and governmental
21 subdivisions at lower cost through negotiation of a master
22 contract. The bill provides that an agency can directly
23 purchase the item from a vendor if the department determines
24 that the agency satisfies the requirements for a direct
25 purchase otherwise provided in Code section 8A.311(10) or is
26 acquired pursuant to an existing service contract.

27 This division of the bill also directs the department of
28 administrative services to require agencies to provide the
29 department of administrative services with reports about what
30 agencies plan to buy on an annual basis, require agencies
31 to report on an annual basis about efforts to standardize
32 products and services within their own agencies and with
33 other state agencies, require all employees who conduct
34 bids for services to receive training on an annual basis
35 about procurement rules and regulations and procurement best

1 practices, identify procurement compliance employees within
2 the department of administrative services, review the process
3 and basis for establishing department of administrative
4 services fees for purchasing, establish a work group to
5 collaborate on best practices to implement the best cost
6 savings for the state, explore interstate and intergovernmental
7 purchasing opportunities and encourage the legislative and
8 judicial branches to participate in consolidated purchasing
9 and efficiencies wherever possible, and to expand the use of
10 procurement cards.

11 DIVISION VIII — DEPARTMENT OF ADMINISTRATIVE SERVICES —
12 OPERATIONS. Division VIII of this bill concerns operations
13 of the department of administrative services.

14 Code section 8A.104, concerning the duties of the director
15 of the department, is amended to provide that a duty of the
16 director is to examine and develop best practices for the
17 efficient operation of government and to encourage state
18 agencies to adopt and implement these practices.

19 New Code section 8A.459 provides that all state employees,
20 by July 1, 2011, shall receive their pay and allowances through
21 electronic funds transfer. The new Code section allows state
22 employees to receive their pay and allowances through a paper
23 warrant but only after paying the department an administrative
24 fee for processing such paper warrants. The bill does allow
25 the department to grant a waiver from paying the administrative
26 fee.

27 This division of the bill also requires the department of
28 administrative services to study ways to streamline the hiring
29 process for personnel within state agencies.

30 The division also requires the department to conduct an
31 audit of real estate and leases of state government, study the
32 possibility of selling and leasing back government properties,
33 and to submit a report to the general assembly by January 1,
34 2011, concerning these audits and studies.

35 DIVISION IX — ALCOHOLIC BEVERAGES DIVISION —

1 REORGANIZATION. This division of this bill transfers the
2 alcoholic beverages division from the department of commerce
3 to the department of revenue.

4 DIVISION X — ALCOHOLIC BEVERAGES DIVISION — OPERATIONS.
5 This division concerns certain operations of the alcoholic
6 beverages division.

7 This division of the bill requires the administrator of the
8 alcoholic beverages division of the department of commerce
9 to close the main state warehouse keeping alcoholic liquors
10 every Friday for FY 2010-2011 with the authority to extend this
11 closure requirement for an additional fiscal year. The bill
12 authorizes the administrator to keep the warehouse open on
13 designated Fridays if anticipated sales on that Friday justify
14 keeping the warehouse open.

15 This division also restricts the number of checks conducted
16 to ensure licensed retail establishment compliance with tobacco
17 laws, regulations, and ordinances applicable to minors to one
18 such check for the fiscal year beginning July 1, 2010, and
19 ending June 30, 2011. The compliance checks are conducted
20 pursuant to the terms of a Code chapter 28D agreement entered
21 into between the division of tobacco use prevention and control
22 of the Iowa department of public health and the alcoholic
23 beverages division of the department of commerce. Pursuant
24 to the terms of the current agreement the alcoholic beverages
25 divisions contracts with state and local law enforcement to
26 conduct two compliance checks per licensed retail establishment
27 per fiscal year.

28 DIVISION XI — ALCOHOLIC BEVERAGES DIVISION — DIRECT
29 SHIPMENT OF WINE. This division of the bill authorizes the
30 direct shipment of wine from out-of-state wine manufacturers to
31 residents of this state under specified circumstances.

32 Current law provides that a winery licensed or permitted
33 pursuant to laws regulating alcoholic beverages in another
34 state which affords Iowa an equal reciprocal shipping privilege
35 may ship into this state by private common carrier, to a person

1 21 years of age or older, not more than 18 liters of wine
2 per month, for consumption or use by the person. This bill
3 removes the requirement or condition of reciprocity, such that
4 a wine manufacturer in any state may ship wine directly to Iowa
5 residents, subject to the terms and conditions specified in the
6 bill.

7 The bill provides that a wine manufacturer licensed or
8 permitted pursuant to laws regulating alcoholic beverages
9 in another state must obtain a wine direct shipper license
10 to directly ship wine to Iowa residents. A license may be
11 obtained upon receipt by the administrator of the alcoholic
12 beverages division of the department of commerce of a written
13 application from a wine manufacturer, accompanied by a true
14 copy of the manufacturer's current alcoholic beverage license
15 issued in another state, and a copy of the manufacturer's
16 winery license issued by the federal alcohol and tobacco tax
17 and trade bureau. A \$25 license fee is additionally required,
18 and the bill specifies that a license may be annually renewed
19 if the information originally submitted is resubmitted each
20 year together with the \$25 fee.

21 The bill imposes certain requirements and restrictions
22 upon the direct shipment of wine. The bill provides that
23 no more than 18 liters of wine may be shipped per month by
24 a wine direct shipper licensee to an Iowa resident 21 years
25 of age or older, for the resident's personal use and not for
26 resale. Additionally, the wine must be properly registered
27 with the federal alcohol and tobacco tax and trade bureau, and
28 manufactured on the winery premises of the wine direct shipper
29 licensee. The bill further specifies that all containers of
30 direct shipped wine must be conspicuously labeled with the
31 words CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
32 REQUIRED FOR DELIVERY or alternative preapproved wording, and
33 that the containers be shipped by a licensed alcohol carrier.

34 The bill requires a direct shipper licensee to remit to
35 the division an amount equivalent to the \$1.75 per gallon

1 wine gallonage tax for deposit in the beer and liquor control
2 fund created in Code section 123.53, and subject to the same
3 time, manner, and penalty requirements or provisions as are
4 otherwise applicable to the tax. The bill maintains sales and
5 use tax exemptions, and refund value exemptions, currently
6 applicable to reciprocal shipments of wine in Code section
7 123.187. Additionally, the bill provides that a direct shipper
8 licensee shall be deemed to have consented to the jurisdiction
9 of the division or any other agency or court in the state, and
10 that the division may perform an audit of shipping records upon
11 request.

12 The bill specifies that an alcohol carrier license shall
13 be issued subject to requirements, fees, and upon application
14 forms to be determined by the administrator by rule. An
15 alcohol carrier licensee shall not be authorized to deliver
16 wine to any person under 21 years of age, or to any person
17 who either is or appears to be in an intoxicated state or
18 condition. The bill requires a licensee to obtain valid proof
19 of identity and age prior to delivery, and the signature of an
20 adult. The bill imposes specified recordkeeping requirements
21 as a condition of maintaining an alcohol carrier license.

22 The bill maintains the current provision that the holder of
23 a permit for the sale or manufacture and sale of wine issued
24 by the division shall be authorized under that permit to ship
25 out of state by private common carrier, to a person 21 years of
26 age or older, not more than 18 liters of wine per month, for
27 consumption or use by the person.

28 The bill subjects violators of the bill's provisions to the
29 license suspension and revocation provisions, and civil penalty
30 provisions, otherwise applicable to permittees in Code section
31 123.39.

32 DIVISION XII — DEPARTMENT OF HUMAN RIGHTS —
33 REORGANIZATION. This division of this bill concerns
34 the department of human rights. The bill reorganizes the
35 department into three divisions, the new division of community

1 advocacy and services, the current division of community
 2 action agencies, and the current division of criminal and
 3 juvenile justice planning. The current divisions of Latino
 4 affairs, status of women, persons with disabilities, deaf
 5 services, status of African Americans, Iowans of Asian and
 6 Pacific Islander heritage, and Native American affairs,
 7 are redesignated as offices and are included within the new
 8 division of community advocacy and services. The bill also
 9 provides that the administrators of the various divisions
 10 of the department, currently appointed by the governor,
 11 are eliminated. However, administrators appointed by the
 12 department director are retained for the three remaining
 13 divisions. In addition, except for the commission on Native
 14 American affairs, all commissions within the new division of
 15 community advocacy and services are limited to seven voting
 16 members. The current human rights administrative-coordinating
 17 council is stricken and replaced with a human rights board.
 18 In addition, the bill reassigns duties and responsibilities
 19 between the offices and commissions within the department. The
 20 various subchapters of Code chapter 216A are amended by the
 21 bill as follows:

22 **ADMINISTRATION:**

23 Code section 216A.1 is amended to establish that the
 24 department consists of three new divisions, the division of
 25 community advocacy and services, the division of community
 26 action agencies, and the division of criminal and juvenile
 27 justice planning, and renames the current divisions now
 28 included within the division of community advocacy and services
 29 of the department as offices.

30 Code section 216A.2, concerning the department director and
 31 administrators, is amended. The bill maintains current law
 32 that provides that the director of the department of human
 33 rights is appointed by the governor, subject to confirmation
 34 by the senate. However, the bill provides that the current
 35 administrators of the various divisions of the department,

1 appointed by the governor, are eliminated. In addition, the
2 bill also provides that the department director is responsible
3 for appointing the personnel of the department. The rewritten
4 Code section also provides that the department director has
5 the authority to solicit gifts on behalf of the department,
6 commissions, or offices, and can enter into contracts, and
7 issue reports on behalf of the department.

8 Code section 216A.3, concerning the human rights
9 administrative-coordinating council, is stricken and replaced
10 with a human rights board. The new board consists of nine
11 voting members and five nonvoting members. The nine voting
12 members shall be selected by the applicable permanent
13 commissions and councils of the department and two additional
14 voting members shall be appointed by the governor. The
15 nonvoting members shall consist of the director of the
16 department and four members of the general assembly. Current
17 law provides that the administrator of each division of the
18 department is a member of the eliminated council. The bill
19 provides that the duties of the board include adopting the
20 proposed budget for the department, adopting rules of the
21 department, and developing a comprehensive strategic plan for
22 the department. The bill also provides that any substantive
23 action taken by the board must be adopted by a two-thirds vote.

24 New Code section 216A.7 provides that the director or an
25 administrator of one of the divisions created by this bill
26 shall have access to nonconfidential information of state
27 entities that is relevant to the department upon request.

28 DIVISION OF LATINO AFFAIRS:

29 The bill renames the division of Latino affairs as the office
30 of Latino affairs and eliminates the administrator position.

31 Code section 216A.12, concerning the commission of Latino
32 affairs, is amended by the bill. The bill provides that the
33 commission shall consist of seven and not nine members, shall
34 meet at least quarterly each year, and establishes a mechanism
35 for a member not to vote on a matter in which the person has

1 a conflict of interest. Code section 216A.13, concerning the
2 organization of the commission, is repealed and the substance
3 of that Code section is moved to the rewritten Code section
4 216A.12.

5 Code section 216A.14, concerning commission employees, is
6 stricken and rewritten by the bill. Current law granting
7 authority to the commission to employ personnel is stricken
8 as this authority is provided to the department director in
9 the bill. The rewritten Code section provides for the duties
10 of the office of Latino affairs. The bill transfers to the
11 office current duties of the commission concerning assistance
12 to state agencies and other public organizations relative to
13 Latino persons, training, and work. The bill eliminates the
14 requirement to establish a Latino information center.

15 Code section 216A.15, concerning the duties of the
16 commission on Latino affairs, is amended to strike those duties
17 transferred to the office of Latino affairs. In addition, the
18 bill also strikes the authority of the commission to adopt
19 rules.

20 Code section 216A.16, concerning commission powers to accept
21 gifts, solicit grants, and enter into contracts, and Code
22 section 216A.17, concerning a commission biennial report, are
23 repealed by the bill.

24 DIVISION ON THE STATUS OF WOMEN:

25 The bill renames the division on the status of women as the
26 office on the status of women and eliminates the administrator
27 position.

28 Code section 216A.52, creating the commission on the status
29 of women, Code section 216A.53, concerning commission terms of
30 office, and Code section 216A.54, concerning the meetings of
31 the commission, are stricken and the Code sections rewritten
32 by the bill.

33 Rewritten Code section 216A.52 establishes the duties of
34 the office on the status of women which include some duties
35 currently assigned to the commission. The bill provides that

1 the office shall serve as the primary advocate for, and shall
2 provide assistance and information relative to, women and
3 girls.

4 Rewritten Code section 216A.53 establishes the commission.
5 Provisions of current Code sections 216A.52, 216A.53, and
6 216A.54, are modified and included in this rewritten Code
7 section. The bill changes current law by reducing the number
8 of commission members from 13 to seven, providing that all
9 members must reside in Iowa and that the commission must meet
10 at least quarterly, instead of at least six times per year.
11 The rewritten Code section also specifies what constitutes a
12 quorum, what vote is necessary for substantive action, and
13 includes a conflict of interest provision for members.

14 Rewritten Code section 216A.54 establishes the powers and
15 duties of the commission. The Code section provides that the
16 commission shall study opportunities for and changing needs
17 of women and girls, serve as a liaison between the office and
18 the public, recommend rules for the commission and office, the
19 new human rights board, and recommend proposed policies and
20 legislation.

21 Code section 216A.55, concerning the objectives of the
22 commission, and Code section 216A.56, concerning the authority
23 of the commission to employ personnel and set the budget, are
24 repealed by the bill.

25 Code sections 216A.57 and 216A.58, concerning the duties and
26 authority of the commission, are repealed. Current law allowed
27 the commission to hold hearings, enter into contracts, and
28 accept grants of money or property.

29 Code section 216A.59, concerning access to information,
30 is repealed. The authority granted in this Code section is
31 provided to the department director and administrators of the
32 department, in new Code section 216A.7.

33 Code section 216A.60, concerning a commission annual report,
34 is repealed.

35 DIVISION OF PERSONS WITH DISABILITIES:

1 The bill renames the division of persons with disabilities
2 as the office of persons with disabilities and eliminates the
3 administrator position.

4 Code section 216A.72 is stricken and rewritten by the
5 bill to establish the duties of the office of persons with
6 disabilities. The duties currently assigned to the commission
7 of persons with disabilities and specified in current Code
8 section 216A.77, subsections 1 through 6, are modified and
9 transferred to the office.

10 Code section 216A.73, providing for ex officio members of
11 the commission, is repealed.

12 Code section 216A.74, concerning the membership of the
13 commission, is stricken and rewritten by the bill to include
14 the membership of the commission which is reduced from 24 ex
15 officio and voting members to seven voting members, the terms
16 of office, and officers of the commission, currently provided
17 in Code sections 216A.74 through 216A.76. The rewritten Code
18 section also specifies that the commission must meet at least
19 quarterly, what constitutes a quorum, what vote is necessary
20 for substantive action, and includes a conflict of interest
21 provision for members.

22 Code section 216A.75, is stricken and rewritten by the bill,
23 to provide for the duties of the commission. The Code section
24 provides that the commission shall study opportunities for and
25 changing needs of persons with disabilities, serve as a liaison
26 between the office and the public, recommend to the new board
27 rules for the commission and office, and recommend proposed
28 policies and legislation.

29 Code section 216A.76, concerning officers of the commission,
30 and Code section 216A.77, concerning duties of the commission,
31 are repealed.

32 Code section 216A.78, concerning the administrator, and Code
33 section 216A.79, concerning acceptance of gifts and grants, are
34 repealed.

35 DIVISION OF COMMUNITY ACTION AGENCIES:

1 The bill maintains the division of community action agencies
2 as a division but modifies some of the division's functions.

3 Code section 216A.92, concerning duties of the
4 administrator, is stricken and rewritten to provide that the
5 division shall provide assistance to implement community action
6 programs, administer low-income energy assistance block grants,
7 administer department of energy funds for weatherization,
8 implement accountability measures, and issue an annual report.

9 Code section 216A.92A, concerning the commission of
10 community action agencies, is amended to specify that the
11 commission must meet at least four times per year.

12 Code section 216A.92B, concerning the duties of the
13 commission, is rewritten by the bill. The bill provides that
14 the commission shall supervise collection of data on services
15 provided by community action agencies, serve as a liaison
16 between the division and the public, recommend to the new board
17 rules for the commission and division, and recommend proposed
18 policies and legislation.

19 Code section 216A.93, concerning establishment of community
20 action agencies, is amended to provide that if any geographic
21 area in the state ceases to be served by a community action
22 agency, the division may assist the governor in designating an
23 agency for that area.

24 Code section 216A.101, concerning an emergency
25 weatherization fund, and Code section 216A.103, establishing an
26 Iowa affordable heating program, are repealed.

27 Code section 216A.107, concerning the family development
28 and self-sufficiency council, is amended to specify what
29 constitutes a quorum, what vote is necessary for substantive
30 action, and includes a conflict of interest provision for
31 members.

32 DIVISION OF DEAF SERVICES:

33 The bill renames the division of deaf services as the office
34 of deaf services and eliminates the administrator position.

35 Code section 216A.112, creating the commission of deaf

1 services, and Code section 216A.113, granting authority to the
2 commission to employ staff, are stricken and the Code sections
3 rewritten.

4 Rewritten Code section 216A.112 establishes the duties of
5 the office of deaf services.

6 Rewritten Code section 216A.113 creates the commission.
7 Current provisions of Code section 216A.112 are transferred to
8 this Code section which specifies that the commission must meet
9 at least quarterly, what constitutes a quorum, what vote is
10 necessary for substantive action, and includes a conflict of
11 interest provision for members.

12 Code section 216A.114, concerning the powers and duties
13 of the commission, is rewritten by the bill. The bill
14 provides that the commission shall study the needs of deaf
15 and hard-of-hearing people, serve as a liaison between the
16 office and the public, recommend to the new board rules for the
17 commission and office, provide input to the department director
18 concerning the budget, and recommend proposed policies and
19 legislation.

20 Code section 216A.115, concerning the powers of the
21 commission that include the ability to accept grants and enter
22 into contracts, is repealed by the bill.

23 Code section 216A.116, concerning a report of the
24 commission, is repealed by the bill.

25 Code section 216A.117, which creates the interpretation
26 services account, is repealed by the bill. The account
27 provides moneys to deaf services for continued and expanded
28 interpretation services.

29 DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING:

30 The bill keeps the division of criminal and juvenile justice
31 planning.

32 New Code section 216A.131A establishes the division to
33 perform the duties required in this subchapter.

34 Code section 216A.132, concerning the criminal and juvenile
35 justice planning council, is amended to provide that the

1 council must appoint a chairperson and vice chairperson, to
2 establish what constitutes a quorum and a majority to take
3 affirmative action, and to establish a conflict of interest
4 provision for members.

5 Code section 216A.133, concerning duties of the council, is
6 amended by adding additional duties. The additional duties
7 include assisting agencies in using criminal juvenile justice
8 data, serving as a liaison between the division and the public,
9 adopting rules for the council and division, providing input to
10 the department director concerning the budget, and recommending
11 proposed policies and legislation.

12 DIVISION ON THE STATUS OF AFRICAN AMERICANS:

13 The bill renames the division on the status of African
14 Americans as the office on the status of African Americans and
15 eliminates the administrator position.

16 Code section 216A.142, concerning the commission on the
17 status of African Americans, is rewritten by the bill. The
18 rewritten Code section reduces the number of members of the
19 commission from nine to seven, provides that the members must
20 reside in Iowa, provides for the terms of office, requires the
21 appointment of a chairperson and vice chairperson, establishes
22 quorum and majority vote requirements, and establishes a
23 conflict of interest provision for members.

24 Code section 216A.143, concerning meetings of the
25 commission, is stricken and rewritten by the bill to establish
26 the powers and duties of the commission. The bill provides
27 that the commission shall study the needs of the African
28 American community, serve as a liaison between the office and
29 the public, recommend to the new board rules for the commission
30 and office, establish advisory committees, and recommend
31 proposed policies and legislation.

32 Code section 216A.144, concerning objectives of the
33 commission, is repealed by the bill.

34 Code section 216A.145, concerning the authority of the
35 administrator, is repealed.

1 Code section 216A.146, concerning the duties of the
2 commission, is amended by the bill to establish the office on
3 the status of African Americans and provide for the duties of
4 the office.

5 Code section 216A.147, concerning additional authority for
6 the commission, Code section 216A.148, concerning access to
7 information, and Code section 216A.149, concerning an annual
8 report, are repealed by the bill.

9 DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC
10 ISLANDER HERITAGE:

11 The bill renames the division on the status of Iowans of
12 Asian and Pacific Islander heritage as the office on the status
13 of Iowans of Asian and Pacific Islander heritage and eliminates
14 the administrator position.

15 Code sections 216A.152, 216A.153, and 216A.154, concerning
16 the commission on the status of Iowans of Asian and Pacific
17 Islander heritage, are stricken and included in rewritten
18 Code section 216A.152. The rewritten Code section reduces
19 the number of members of the commission from nine to seven,
20 and also specifies that the members must reside in Iowa, the
21 commission must meet at least quarterly, what constitutes a
22 quorum, what vote is necessary for substantive action, and
23 includes a conflict of interest provision for members.

24 Rewritten Code section 216A.153 provides for the powers
25 and duties of the commission. The bill provides that the
26 commission shall study the needs of Asian and Pacific Islanders
27 in this state, serve as a liaison between the office and the
28 public, recommend to the new board rules for the commission and
29 office, establish advisory committees, and recommend proposed
30 policies and legislation.

31 Rewritten Code section 216A.154 establishes the office on
32 the status of Iowans of Asian and Pacific Islander heritage and
33 its duties.

34 Code section 216A.155, concerning the duties of the
35 commission, is repealed.

1 Code section 216A.156, concerning review of grant
2 applications and budget requests, Code section 216A.157,
3 concerning additional commission authority, Code section
4 216A.158, concerning employees and responsibility, Code section
5 216A.159, concerning state agency assistance, and Code section
6 216A.160, concerning an annual report, are repealed by the
7 bill.

8 DIVISION ON NATIVE AMERICAN AFFAIRS:

9 The bill renames the division on Native American affairs
10 as the office on Native American affairs and eliminates the
11 administrator position.

12 Code section 216A.162, concerning the commission on Native
13 American affairs, is amended to provide for the appointment
14 of a chairperson, quarterly meetings, compensation, what
15 constitutes a quorum, what vote is necessary for substantive
16 action, and includes a conflict of interest provision for
17 members. Code section 216A.164, concerning meetings of
18 the commission, is repealed and the substance of these Code
19 sections incorporated in Code section 216A.162.

20 Code section 216A.165, concerning duties of the commission,
21 is rewritten to provide that the duties are studying
22 opportunities for and changing needs of Native American
23 persons, serving as a liaison between the office and the
24 public, recommending to the new board rules for the commission
25 and office, establishing advisory committees, and recommending
26 proposed policies and legislation.

27 Code section 216A.166 is amended to establish the office on
28 Native American affairs and its duties.

29 Code section 216A.167, concerning additional duties of
30 the commission, is amended by striking the authority of the
31 commission concerning the budget of the commission and office
32 and the ability to enter into contracts and accept gifts.

33 Code section 216A.168, concerning the administrator, Code
34 section 216A.169, concerning state agency assistance, and Code
35 section 216A.170, concerning an annual report, are repealed by

1 the bill.

2 The bill also establishes transition provisions relative to
3 the reorganization of the department as provided in the bill.
4 As part of these provisions, the bill ends the terms of all
5 members of commissions which have the number of voting members
6 reduced by the bill as of July 1, 2010.

7 DIVISION XIII — GAMBLING SETOFFS. Division XIII of the bill
8 relates to the setoff of debts from gambling winnings.

9 Currently, a debtor who wins money on a wager at a racetrack,
10 excursion gambling boat, or gambling structure in this state
11 is subject to a setoff from those winnings of the amount of
12 debt owed if the winnings are equal to or greater than \$10,000.
13 Division XIII amends Code sections 99D.28 and 99F.19 so that
14 debtors who win \$1,200 or more are subject to the setoff.

15 DIVISION XIV — DEPARTMENT OF MANAGEMENT — FINANCIAL
16 ADMINISTRATION REORGANIZATION. Division XIV of the bill
17 transfers the financial administration duties of the department
18 of administrative services to the department of management. In
19 addition, the bill requires the department of management to
20 establish a centralized payroll system for all state agencies.

21 This division also requires the department of management
22 to explore the possibility of merging all state payroll
23 systems within the centralized payroll system operated by the
24 department.

25 DIVISION XV — ADMINISTRATION AND REGULATION APPROPRIATIONS.
26 This division of the bill appropriates money to the department
27 of revenue to hire additional auditors and to the department
28 of management to create and fill an additional position in the
29 office of grants enterprise management.

30 AGRICULTURE AND NATURAL RESOURCES.

31 DIVISION XVI — ELIMINATION OF STATE ENTITIES ASSOCIATED
32 WITH THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. This
33 division eliminates entities associated with the department of
34 agriculture and land stewardship.

35 RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE. This

1 bill eliminates the renewable fuels and coproducts advisory
2 committee established in the department of agriculture and land
3 stewardship (Code section 159A.4). The committee consists of
4 persons heading state agencies or their designees, including
5 the department of agriculture and land stewardship, the
6 department of economic development, the state department of
7 transportation, and the office of energy independence; and
8 persons representing persons interested in renewable fuels
9 including retail motor fuel dealers, petroleum refiners,
10 farmers (with special representation for livestock producers,
11 corn growers, and soybean producers), and renewable fuel
12 producers. The committee advises the department of agriculture
13 and land stewardship and other persons regarding the production
14 and consumption of renewable fuels and coproducts, but does not
15 control policy decisions (Code section 159A.5). Departmental
16 programs to encourage the production and consumption of
17 renewable fuels and coproducts are administered by the office
18 of renewable fuels and coproducts.

19 ORGANIC ADVISORY COUNCIL. The bill eliminates an organic
20 advisory council established within the department of
21 agriculture and land stewardship (Code section 190C.2). The
22 council is composed of persons who operate farms producing
23 organic agricultural products, operate businesses processing
24 organic agricultural products, and operate businesses handling
25 or selling organic agricultural products. It also includes
26 persons who have earned an educational degree and have
27 experience in agricultural or food science, and persons who are
28 interested in the public interest, the natural environment,
29 or consumers. The advisory council is required to assist the
30 department of agriculture and land stewardship in developing
31 policies, establishing and changing fees, providing advice, and
32 promoting organic agricultural products in compliance with the
33 state organic program (Code section 190C.2A). The department
34 retains its statutory duties and powers to administer the
35 program.

1 DIVISION XVII — ELIMINATION OF STATE ENTITIES ASSOCIATED
2 WITH THE DEPARTMENT OF NATURAL RESOURCES' CONTROL OF THE
3 NATURAL HABITAT. The bill eliminates entities established
4 within the department of natural resources that carry out
5 duties associated with the conservation of fish, wildlife,
6 and habitat generally under the jurisdiction of the natural
7 resource commission.

8 STATE ADVISORY BOARD FOR PRESERVES. The bill eliminates
9 the state advisory board for preserves established within the
10 department of natural resources (Code section 465C.2). The
11 board consists of the director of the department of natural
12 resources and persons with a demonstrated interest in the
13 preservation of natural lands and waters, and historic sites.
14 The board is responsible for approving areas as preserves,
15 recommending that land owned by the state be dedicated as
16 part of the state preserve system or recommending acquisition
17 of area to be so dedicated, monitoring habitats for species,
18 promoting research and education pertaining to state preserves,
19 and advising persons managing natural areas (Code section
20 465C.8). The bill requires that the natural resource
21 commission assume these functions. The bill eliminates the
22 board's representative on the Brushy creek recreation area
23 trails advisory board, and reduces the total number of members
24 on the advisory board from nine to seven to achieve an odd
25 number of members (Code section 455A.8), but allows the current
26 members to continue their terms.

27 SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE.
28 The bill eliminates the sustainable natural resource funding
29 advisory committee (2008 Iowa Acts, chapter 1080). The
30 committee is composed of state officials including the director
31 of the department of natural resources, a commissioner of a
32 soil and water conservation district, and representatives of
33 persons interested in the natural environment, agriculture,
34 land improvement, renewable fuels, rivers, and wildlife. It
35 also includes four members of the general assembly who serve as

1 ex officio, nonvoting members. The committee is required to
2 submit a report to the general assembly in 2010.

3 The committee's elimination takes effect upon enactment.

4 UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. The bill
5 eliminates the upland game bird study advisory committee
6 established to restore sustainable and socially acceptable
7 populations of pheasants and quail in the state to maximize
8 the economic value of upland game bird hunting to Iowa's
9 economy (2009 Iowa Acts, ch. 144, section 49). The committee
10 is composed of persons representing organizations associated
11 with conservation, farming, hunting, realty, environmental
12 protection, and land management; Iowa's United States senators;
13 federal agencies responsible for fish and wildlife and farm
14 policy; and the department of agriculture and land stewardship,
15 the department of natural resources, the department of economic
16 development, the state department of transportation, and the
17 state soil conservation committee. It also includes four
18 members of the general assembly. The committee is required to
19 submit a final report to the governor and the general assembly
20 by January 10, 2010.

21 The committee's elimination takes effect upon enactment.

22 DIVISION XVIII — ELIMINATION OF STATE ENTITIES ASSOCIATED
23 WITH THE DEPARTMENT OF NATURAL RESOURCES — IOWA CLIMATE CHANGE
24 ADVISORY COUNCIL. The bill eliminates the Iowa climate change
25 advisory council established within the department of natural
26 resources (Iowa Code section 455B.851). The council consists
27 of persons engaged in academic and research institutions,
28 farming, public transit, utilities, environmental protection,
29 business, energy conservation, renewable fuel promotion,
30 local government, and alternative energy production. It also
31 includes four ex officio, nonvoting members of the general
32 assembly. The council was responsible for developing multiple
33 scenarios designed to reduce statewide greenhouse gas emissions
34 in order to reduce such emissions by 50 percent by 2050. The
35 council was required to submit a proposal by January 1, 2009.

1 The department is still required to submit a report to the
2 governor and the general assembly regarding the greenhouse gas
3 emissions in the state during the previous calendar year and
4 forecasting trends in such emissions.

5 The council's elimination takes effect upon enactment.

6 DIVISION XIX — ELIMINATION OF STATE ENTITIES ASSOCIATED
7 WITH IOWA STATE UNIVERSITY — LIVESTOCK HEALTH ADVISORY
8 COUNCIL. The bill eliminates the livestock health advisory
9 council. The council consists of persons involved in the
10 production of beef cattle, dairy cattle, swine, sheep, and
11 poultry. It also includes one practicing veterinarian. The
12 council makes recommendations to Iowa state university college
13 of veterinary medicine regarding the expenditure of moneys
14 appropriated to the college.

15 The bill transfers provisions providing for financial
16 support received by the college, and establishing a special
17 fund dedicated to support the college, to Code chapter 266
18 establishing Iowa state university.

19 DIVISION XX — NATURAL RESOURCES — BOARDS AND COMMISSIONS.
20 This division of the bill relates to the elimination of certain
21 boards, councils, and committees.

22 The division eliminates the state advisory board for
23 preserves and transfers all powers and duties of the board to
24 the natural resource commission. The division makes conforming
25 amendments.

26 The division eliminates the climate change advisory council
27 effective July 1, 2011, and provides that, beginning July 1,
28 2011, the department of natural resources may periodically
29 forward recommendations to the environmental protection
30 commission designed to encourage the reduction of statewide
31 greenhouse gas emissions. The division makes conforming
32 amendments.

33 The division eliminates, upon enactment, the sustainable
34 natural resource funding advisory committee which was to be
35 repealed on July 1, 2010.

1 The division eliminates, upon enactment, the upland game
2 bird study advisory committee.

3 DIVISION XXI — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
4 STORAGE TANK FUND BOARD. Division XXI relates to the
5 elimination of the Iowa comprehensive petroleum underground
6 storage tank fund board. This division transfers all
7 administrative duties of the board to the department of natural
8 resources and, in the case of approval of certain contracts
9 and duties pursuant to Code chapter 17A, to the environmental
10 protection commission. The division makes conforming
11 amendments.

12 **ECONOMIC DEVELOPMENT.**

13 DIVISION XXII — ECONOMIC DEVELOPMENT — COMMITTEES AND
14 COUNCILS. Division XXII of this bill relates to the duties
15 of certain boards, committees, and councils in the areas of
16 cultural affairs and economic development. The bill eliminates
17 some boards, committees, and councils and reassigns some of
18 their functions to other state governmental bodies.

19 Code section 15.108, subsection 7, paragraph "h", provides
20 for a small business advisory council and requires the
21 department of economic development to provide assistance to it.
22 Division XXII eliminates this council.

23 Code section 15.203 provides for the establishment of an
24 agricultural products advisory council, and Code section
25 15G.115 provides a role for this council in approving
26 applications for financial assistance under the value-added
27 agriculture component of the grow Iowa values fund. This
28 division eliminates this council and removes references to the
29 council from the provisions of the grow Iowa values fund and
30 financial assistance program. With the elimination of the
31 council, applications for assistance under the value-added
32 agriculture component of the grow Iowa values fund will be
33 considered by the due diligence committee of the economic
34 development board.

35 Code section 15.114 provides for the establishment of

1 a microenterprise development advisory committee by the
2 department of economic development. This division eliminates
3 this committee.

4 DIVISION XXIII — CONSOLIDATION OF HOUSING PROGRAMS.

5 Division XXIII of the bill transfers authority for the
6 administration of the shelter assistance fund from the
7 department of economic development to the Iowa finance
8 authority.

9 Division XXIII of the bill also directs the department of
10 economic development and the Iowa finance authority to conduct
11 a joint review of the housing-related programs they currently
12 administer, including all federal programs. The joint review
13 must include a review of all federal moneys received and spent
14 on housing programs and must identify all programs that are
15 duplicative of another program or which have purposes similar
16 to that of another program.

17 Division XXIII directs the department of economic
18 development and the Iowa finance authority to produce a report
19 recommending how best to transfer all responsibilities for
20 housing-related programs from the department of economic
21 development to the Iowa finance authority. The report must be
22 submitted not more than 30 days after the effective date of
23 division XXIII of the bill to the governor, the department of
24 management, and the general assembly.

25 EDUCATION.

26 DIVISION XXIV — AREA EDUCATION AGENCIES. This division
27 expresses legislative intent to dissolve the current area
28 education agency (AEA) system by July 1, 2011, and directs the
29 director of the department of education to develop a transition
30 plan for the transfer of AEA functions, facilities, equipment,
31 and programs to a bureau of regional education offices under
32 the authority of the department; eliminates the education
33 telecommunications council and revises the appointment process
34 and duties of the regional telecommunications councils;
35 eliminates the council for agriculture education, and the Iowa

1 learning technology initiative; and initiates the process for
2 withdrawal from the midwestern higher education compact.

3 The director of the department of education is to develop
4 the transition plan in consultation with the directors of the
5 departments of administrative services and management or the
6 directors' designees, persons representing the administrators
7 and boards of directors of the AEAs, and persons representing
8 other interested stakeholders. The plan must specify the
9 number and location of the regional education offices that
10 would be located throughout the state to provide for the
11 most efficient and consistent program and service delivery;
12 the employment by the department of education of regional
13 education office staff under the state merit system; a
14 review of AEA administrative costs and budgets and a proposal
15 for an organizational chart; a description of the steps a
16 proposed bureau of regional education offices and the proposed
17 regional education offices can take to improve efficiency
18 and effectiveness of programs; a preliminary annual budget
19 for the proposed bureau and regional education offices
20 estimating income and expenditures for programs and services;
21 a description of the current AEA collective bargaining
22 agreements; recommendations for policy and statutory changes
23 for implementation of the bureau and regional education
24 offices system; recommendations for limited options in elective
25 services to promote economical operation and the attainment
26 of higher standards of educational services for the schools;
27 a proposal for a funding model which combines a line item
28 contained in the appropriation for the department of education
29 with local funding for the support and operations of the
30 proposed bureau and regional education offices; and a proposal
31 for the management of the assets and liabilities of the
32 dissolving area education agency system.

33 The director must submit the transition plan to the general
34 assembly and the governor by October 1, 2010.

35 Under the bill, the duties of the education

1 telecommunications council are transferred to the regional
2 telecommunications councils. The bill includes conforming
3 provisions.

4 DIVISION XXV — HEALTH AND HUMAN SERVICES PROGRAM. This
5 division of the bill provides directives to various state
6 departments to develop and implement strategies to increase
7 efficiencies and cost savings in programs relating to health
8 and human services. The bill directs the department of human
9 services to develop and implement strategies to increase
10 efficiencies by reducing paperwork, decreasing staff time, and
11 providing more streamlined services to the public relative to
12 programs under the purview of the department. Such strategies
13 may include but are not limited to simplifying and reducing
14 duplication in eligibility determinations among programs by
15 utilizing the same eligibility processes across programs to the
16 extent allowed by federal law. The department is also directed
17 to provide a progress report to the joint appropriations
18 subcommittee on health and human services on a quarterly basis.

19 The bill also directs the departments of human services,
20 public health, corrections, and management, and any
21 other appropriate department to review the provision of
22 pharmaceuticals to populations they serve and programs under
23 their respective purview to determine efficiencies in the
24 purchase of pharmaceuticals. The departments are required to
25 develop strategies to implement efficiencies and reduce costs
26 to the state, and to also determine any changes in state law or
27 approval from the federal government necessary to implement any
28 strategy identified.

29 DIVISION XXVI — HOSPITAL LICENSING BOARD. The hospital
30 licensing board consults with and advises the department of
31 inspections and appeals in matters relating to the licensure of
32 hospitals, and approves rules and standards relating to such
33 licensure prior to their approval by the state board of health.
34 This division of the bill eliminates the hospital licensing
35 board.

1 DIVISION XXVII — CHILD SUPPORT. This division of the
2 bill relates to child support and directs the department of
3 human services to establish criteria and a phased-in schedule
4 to require, no later than June 30, 2015, payors of income to
5 electronically transmit the amounts withheld under an income
6 withholding order. The bill directs the department to assist
7 payors of income in complying with the required electronic
8 transmission, and to adopt rules setting forth procedures for
9 use in electronic transmission of funds, and exemption from use
10 of electronic transmission taking into consideration any undue
11 hardship electronic transmission creates for payors of income.

12 DIVISION XXVIII — FALSE CLAIMS ACT. This division the bill
13 relates to the False Claims Act. This division establishes
14 a state false claims Act to allow a procedure for the state
15 and private individuals to bring an action for fraud against
16 another person that might result in financial loss to the
17 government. The federal Deficit Reduction Act of 2005, Pub.
18 L. No. 109-171, § 6032, provided financial encouragement to
19 states to have in effect a law dealing with false or fraudulent
20 claims that meets certain federal requirements. If a state
21 has such a law in place, when recoveries are made for Medicaid
22 funds improperly paid, the share owed to the federal government
23 will be decreased by 10 percent. This provision of the federal
24 Deficit Reduction Act took effect January 1, 2007.

25 The division provides definitions of "claim", "employer",
26 "knowing" or "knowingly", and "qui tam plaintiff" which means a
27 private plaintiff who brings an action under the division on
28 behalf of the state.

29 The division provides that a person who commits certain
30 specified acts is liable to the state for three times the
31 amount of damages which the state sustains because of the act
32 of that person, and is also liable to the state for the costs
33 of a civil action brought to recover any of those penalties
34 or damages, and for a civil penalty of not less than \$5,000
35 and not more than \$10,000 for each violation. The prohibited

1 acts include: knowingly presenting or causing to be presented
2 to any employee, officer, or agent of the state, or to any
3 contractor, grantee, or other recipient of state funds, a
4 false or fraudulent claim for payment or approval; knowingly
5 making, using, or causing to be made or used, a false record
6 or statement to get a false or fraudulent claim paid or
7 approved; conspiring to defraud the state by getting a false
8 claim allowed or paid, or conspiring to defraud the state by
9 knowingly making, using, or causing to be made or used, a
10 false record or statement to conceal, avoid, or decrease an
11 obligation to pay or transmit money or property to the state;
12 having possession, custody, or control of public property or
13 money used or to be used by the state and knowingly delivering
14 or causing to be delivered less property than the amount for
15 which the person receives a certificate or receipt; being
16 authorized to make or deliver a document certifying receipt
17 of property used or to be used by the state and knowingly
18 making or delivering a receipt that falsely represents the
19 property used or to be used; knowingly buying or receiving
20 as a pledge of an obligation or debt, public property from
21 any person who lawfully may not sell or pledge the property;
22 knowingly making, using, or causing to be made or used, a
23 false record or statement to conceal, avoid, or decrease an
24 obligation to pay or transmit money or property to the state;
25 and being a beneficiary of an inadvertent submission of a
26 false claim to any employee, officer, or agent of the state,
27 or to any contractor, grantee, or other recipient of state
28 funds, subsequently discovering the falsity of the claim, and
29 failing to disclose the false claim to the attorney general
30 within a reasonable time after discovery of the false claim.
31 The division provides for an assessment of a lesser amount of
32 damages under certain circumstances.

33 The division provides a process for the attorney general to
34 investigate and bring civil actions under the division. The
35 division also provides a process for a person to bring a civil

1 action for a violation of the division for the person and for
2 the state in the name of the state as a qui tam plaintiff. The
3 division provides for awards to the qui tam plaintiff, bars
4 certain actions including those brought against a member of
5 the state legislature, a member of the judicial branch, or an
6 executive branch official if the action is based on evidence
7 or information known to the attorney general when the action
8 was brought and other actions in which the state is already a
9 party. The division provides that the state is not liable for
10 expenses which a person incurs in bringing an action under the
11 bill, and provides for relief to a person who is retaliated
12 against by an employer for bringing a private action under the
13 bill.

14 The division provides that a civil action under the division
15 must be brought not more than 10 years after the date on which
16 the violation was committed, and requires the attorney general
17 or the private plaintiff to prove all essential elements of the
18 cause of action by a preponderance of the evidence.

19 The division takes effect upon enactment and is
20 retroactively applicable to January 1, 2007.

21 DIVISION XXIX — MEDICAID PRESCRIPTION DRUGS. This
22 division of the bill relates to prescription drugs under
23 the medical assistance program by directing the department
24 of human services to adopt rules to restrict physicians and
25 other prescribers to prescribing not more than a 72-hour or
26 three-day supply of a prescription drug not included on the
27 Medicaid preferred drug list while seeking approval to continue
28 prescribing the medication; and directing the department to
29 adopt rules to require that unless the manufacturer of a
30 chemically unique mental health prescription drug enters into a
31 contract to provide the state with a supplemental rebate, the
32 drug shall be placed on the nonpreferred drug list and subject
33 to prior authorization before a Medicaid program recipient is
34 able to obtain the drug.

35 DIVISION XXX — MEDICAID DISEASE MANAGEMENT. Division XXX

1 of the bill relates to Medicaid disease management for children
2 and directs the department of human services to design and
3 implement a disease management program for children to address
4 the most prevalent chronic diseases among children in Iowa.
5 The program may include technology-based disease management,
6 in-person or telephonic care management, self-management
7 strategies, and health literacy education and training.

8 DIVISION XXXI — MEDICAID HOME AND COMMUNITY-BASED SERVICES
9 WAIVER PAYMENTS. This division of the bill relates to Medicaid
10 home and community-based services waiver payments by directing
11 the department of human services to evaluate payment records
12 and determine the proper mechanism to trigger a review of
13 payments for home and community-based services waiver services
14 that are in excess of the median amount for payments through
15 the waivers. Following development of the trigger mechanism,
16 the department must require advance approval for services for
17 which payment is projected to exceed the median amount.

18 DIVISION XXXII — DIVESTITURE — MEDICAID PROGRAM. This
19 division relates to divestiture activities under the Medicaid
20 program. This division amends the definition of "transfer
21 of assets" for the purpose of eligibility for the medical
22 assistance (Medicaid) program. The division amends the
23 definition to provide that any transfer or assignment of a
24 legal or equitable interest in property, from a transferor to
25 a transferee for less than fair consideration, made while the
26 transferor is receiving medical assistance or within five years
27 prior to application for medical assistance by the transferor,
28 is presumed to be made with the intent, on the part of not
29 only the transferee, but also the transferor; or another
30 person acting on behalf of a transferor who is an actual or
31 implied agent, guardian, attorney-in-fact, or person acting as
32 a fiduciary, of enabling the transferor to obtain or maintain
33 eligibility for medical assistance or of impacting the recovery
34 or payment of a medical assistance debt. The presumption is
35 then rebuttable only by clear and convincing evidence that

1 the transferor's eligibility or potential eligibility for
2 Medicaid or the impact on the recovery or payment of a medical
3 assistance debt was no part of the reason of not only the
4 transferee, but any of the other parties specified for making
5 the transfer or assignment.

6 The division provides that a transfer of assets includes a
7 transfer of an interest in the transferor's home, domicile, or
8 land appertaining to such home or domicile while the transferor
9 is receiving medical assistance, unless otherwise exempt.

10 The division amends the listing of transfers that are exempt
11 from the definition to provide that a transfer of assets that
12 would have been exempt from consideration as a resource if
13 retained by the transferor pursuant to federal law does not
14 include a transfer of the home or land appertaining to the
15 home.

16 DIVISION XXXIII — CHILD CARE ADVISORY COMMITTEE. This
17 division replaces the child care advisory council in Code
18 sections 237A.21 and 237A.22 with a child care advisory
19 committee established by the early childhood Iowa council. The
20 following changes are made from current law relating to this
21 advisory body: members are appointed by the early childhood
22 Iowa council instead of the governor and additional provisions
23 are included for coordination between the council and the
24 new advisory committee. The division includes conforming
25 amendments reflecting the change. The council is required
26 to submit a legislation proposal to the governor and general
27 assembly specifying membership slots for the committee by
28 December 15, 2010. Otherwise the division takes effect July
29 1, 2011.

30 DIVISION XXXIV — STATE MENTAL HEALTH INSTITUTES. This
31 division relates to transfer of authority over the facilities
32 of the state mental health institute at Mount Pleasant from the
33 department of human services to the department of corrections.

34 The Code references to the state mental health institute at
35 Mount Pleasant are eliminated in Code section 218.1, relating

1 to the institutions under the control of the director of human
2 services; in Code section 219.1, collectively designating the
3 state mental health institutes and the state resource centers
4 as a single state medical institution; in Code section 226.1,
5 relating to the official designation of the state hospitals
6 for persons with mental illness; and in Code section 226.9C,
7 authorizing the operation of a dual diagnosis mental health and
8 substance abuse program using net general fund budgeting.

9 Transition provisions are included for the departments
10 of human services and corrections to work together so that
11 the administration of the state mental health institute's
12 facilities is transferred from the department of human services
13 to the department of corrections over the course of fiscal year
14 2009-2010 and the succeeding fiscal year and is completed on
15 or before July 1, 2011.

16 The transition provisions include requirements for the
17 department of human services to revise the catchment areas
18 for state mental health institutes from four to three and to
19 transfer patients at the Mount Pleasant facility to suitable
20 placements. Moneys appropriated to the department of human
21 services for the two state mental health institutes for fiscal
22 year 2009-2010 are to be used for patient services and the
23 department of human services administrative costs connected to
24 the transfer.

25 Administrative rules applicable to the state mental health
26 institute at Mount Pleasant in effect as of July 1, 2009,
27 are to remain in effect until completion of the transfer
28 of administration of the facilities to the department of
29 corrections. The directors of the department of human services
30 and the department of corrections are required to jointly
31 provide written notice to the legislative services agency when
32 the transfer is complete.

33 The division may include a state mandate as defined in
34 Code section 25B.3. The division makes inapplicable Code
35 section 25B.2, subsection 3, which would relieve a political

1 subdivision from complying with a state mandate if funding for
2 the cost of the state mandate is not provided or specified.
3 Therefore, political subdivisions are required to comply with
4 any state mandate included in the division.

5 DIVISION XXXV — CONSOLIDATION OF ADVISORY BODIES —
6 COUNCIL ON HUMAN SERVICES. This division eliminates the
7 following bodies: the child abuse prevention program advisory
8 council (Code section 235A.1), the child support advisory
9 committee (Code section 252B.18), and the child welfare
10 advisory committee (Code section 234.3), and reauthorizes these
11 bodies as advisory committees established by the council on
12 human services. In establishing the advisory committees and
13 appointing members, the council on human services is required
14 to consider reappointing those individuals who were serving as
15 members of these bodies as of June 30, 2009. Corrections are
16 made to the Code references to the bodies.

17 DIVISION XXXVI — CONSOLIDATION OF ADVISORY BODIES — STATE
18 BOARD OF HEALTH. This division eliminates the following
19 bodies: the child advisory council on brain injuries (Code
20 section 135.22A), the center for rural health and primary care
21 advisory committee (Code section 135.107), the hemophilia
22 advisory council (Code chapter 135N), the state medical
23 examiner advisory council (Code section 691.6C), and the
24 trauma system advisory council (Code section 147A.24), and
25 reauthorizes these bodies as advisory committees established
26 by the state board of health. In establishing the advisory
27 committees and appointing members, the state board of health
28 is required to consider reappointing those individuals who
29 were serving as members of these bodies as of June 30, 2009.
30 Corrections are made to the Code references to the bodies.

31 DIVISION XXXVII — DEPARTMENT OF HUMAN SERVICES — FAMILY
32 SUPPORT SUBSIDY. This division prohibits the department of
33 human services, effective July 1, 2010, from accepting new
34 applications for the family support subsidy program and from
35 approving pending applications. Existing provisions under

1 Code section 225C.40 remain applicable regarding termination
2 or denial of a subsidy for existing program participants.
3 These provisions include death of the participant, eligibility
4 criteria are no longer met, the participant attains age 18, and
5 reporting requirements are not met.

6 DIVISION XXXVIII — DEPARTMENT OF HUMAN SERVICES —
7 ELECTRONIC FUNDS TRANSFER PAYMENTS. This division directs the
8 department of human services to continue expanding the practice
9 of making payments to program participants and vendors by
10 means of electronic funds transfer. A goal is provided in new
11 Code section 217.24 for the department having the capacity for
12 making payment by such means for all departmental programs.

13 DIVISION XXXIX — DEPARTMENT OF HUMAN SERVICES — ADOPTION
14 SUBSIDY PROGRAM. This division provides that for the fiscal
15 year beginning July 1, 2010, the maximum adoption subsidy rate
16 authorized by the department of human services is limited to
17 the maximum rate in effect on June 30, 2010, and the maximum
18 payment for nonrecurring expenses is limited to \$500 and
19 additional amounts for court costs and other related legal
20 expenses will no longer be allowed.

21 DIVISION XL — JUVENILE DETENTION HOME FUND. This division
22 eliminates funding requirements and related provisions for
23 state financial assistance provided to county and multicounty
24 juvenile detention homes.

25 Code section 232.142 is amended by striking subsection 3
26 which requires the state to provide financial aid amounting
27 to between 10 and 50 percent of the cost of the homes and
28 subsection 6 which establishes the juvenile detention home fund
29 to receive certain civil penalties relating to driver's license
30 violations.

31 Code sections 321.210B, 321.218A, and 321A.32A, relating to
32 civil penalties paid to the department of transportation when
33 the department suspends, revokes, or bars a person's driver's
34 license or nonresident operating privilege, are amended to
35 provide the penalties to be credited to the general fund of the

1 state instead of the juvenile detention home fund.

2 DIVISION XLI — GUARDIAN AD LITEM. This division amends the
3 term "guardian ad litem" in Code section 232.2, which provides
4 definitions used in the juvenile justice code. A guardian
5 ad litem is a person appointed by the court, generally an
6 attorney, to represent the interests of a child in any judicial
7 proceeding to which the child is a party. The bill allows that
8 unless provided otherwise by a court order or juvenile court
9 having jurisdiction over the child, a guardian ad litem may
10 obtain required information about the status of the child by an
11 alternative means other than an in-person visit or interview,
12 provided the safety of the child is not jeopardized by use of
13 the alternative means.

14 DIVISION XLII — COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND.
15 This division amends Code section 35A.16, relating to \$10,000
16 grants provided to county veteran affairs commissions. The
17 department of veterans affairs is required to implement an
18 application process which delineates allowable uses for grant
19 funding and provides for accountability measures.

20 **JUSTICE SYSTEM.**

21 DIVISION XLIII — DEPARTMENT OF CORRECTIONS. The division
22 at Code section 904.106 is amended to reduce the minimum number
23 of required meetings of the board of corrections from 12
24 meetings per year to quarterly meetings per year.

25 Code section 904.505 is amended to allow the department of
26 corrections to impose an administrative fee for the filing of
27 a report of a major disciplinary rule infraction for which an
28 inmate is found guilty. The fee shall be deposited in the
29 general fund of the state.

30 This division also closes, by October 1, 2010, the Luster
31 Heights facility and the farm 1 and farm 3 facilities of the
32 department of corrections and transfers the inmates confined at
33 such facilities to other institutions under the control of the
34 department of corrections.

35 DIVISION XLIV — STATE PUBLIC DEFENDER. The indigent

1 defense advisory commission makes recommendations regarding
2 the hourly rates paid to court-appointed counsel and per case
3 fee limitations. The commission issues a report every three
4 years. The division eliminates the commission and requires the
5 department of inspections and appeals to prepare the reports.

6 This division appropriates moneys to the office of the state
7 public defender of the department of inspections and appeals
8 for eight additional local public defender positions. The
9 division also appropriates moneys to the office of the state
10 public defender for establishing a local public defender office
11 in Wapello county pursuant to Code section 13B.8.

12 DIVISION XLV — IOWA LAW ENFORCEMENT ACADEMY. This division
13 of the bill requires the Iowa law enforcement academy to charge
14 the department of natural resources and the department of
15 transportation the entire cost of providing the basic training
16 course for law enforcement officers. Under current law, the
17 academy may charge a state agency not more than one-half the
18 cost of the basic training course.

19 Division XLV of this bill provides that the Iowa law
20 enforcement academy, subject to the approval of the Iowa law
21 enforcement academy council, shall develop and administer a
22 pilot program consisting of training seminars for private
23 security personnel, consisting of 50 hours of training for each
24 of 10 trainees at a cost of \$50 per hour of training. The
25 moneys received from the training seminars are required to be
26 deposited in the general fund of the state.

27 DIVISION XLVI — DEPARTMENT OF PUBLIC SAFETY DIVISIONS.

28 This division merges the division of narcotics enforcement of
29 the department of public safety with the division of criminal
30 investigation of the department of public safety.

31 DIVISION XLVII — DEPARTMENT OF PUBLIC SAFETY — OFFICE OF
32 DRUG CONTROL POLICY. The division transfers the administration
33 of the governor's office of drug control policy from the office
34 of the governor to the department of public safety. The
35 division changes the name of governor's office of drug control

1 policy to office of drug control policy.

2 The division requires the department of public safety to
3 review the budget submitted by the drug policy coordinator and
4 assist the drug policy coordinator in directing the governor's
5 office of drug control policy pursuant to Code section 80E.1.

6 The division does not modify the appointment of the drug
7 policy coordinator. Currently, the governor appoints the drug
8 policy coordinator, subject to confirmation by the senate, and
9 the coordinator serves at the pleasure of the governor.

10 The division also does not modify the current duties of the
11 drug policy coordinator to coordinate and monitor all statewide
12 narcotics enforcement efforts, substance abuse treatment grants
13 and programs, substance abuse prevention and education programs
14 in communities and schools, and to engage in such other related
15 activities as required by law.

16 **MISCELLANEOUS PROVISIONS.**

17 **DIVISION XLVIII — STATE GOVERNMENT EFFICIENCY REVIEW**
18 **COMMITTEE.** This division of this bill establishes a state
19 government efficiency review committee which shall meet at
20 least every four years to review the operations of state
21 government. The committee shall consist of five members of the
22 senate and five members of the house of representatives who
23 shall be appointed prior to January 31 of the first regular
24 session of each general assembly. The committee shall meet as
25 directed by the legislative council. The division provides
26 that the committee review and consider options for reorganizing
27 state government to improve efficiency, modernize processes,
28 eliminate duplication and outdated processes, reduce costs, and
29 increase accountability. The bill requires the committee, as
30 enacted by this bill, to issue its first report by January 1,
31 2014, and at least every fourth year thereafter.